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Tuesday
22th July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

CONTENTS

Members Sworn [Cols. 2—18].

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THE PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Tuesday, 22nd July, 1952.

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

TRUNK LINES

*1951. **Sardar Hukam Singh**: Will the Minister of **Communications** be pleased to state:

(a) whether it is proposed to take the important trunk lines underground in cables; and

(b) if so, whether any important lines have been so laid up till now?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The overhead trunk lines Bombay-Thana and Calcutta-Asansol are being replaced by trunk cables. The question of replacement of open wire sections in other places by trunk cables is under consideration.

(b) Orders have been placed for the cables to replace the open wire routes in the above sections, and the stores are being received. The work is expected to be taken in hand this year.

Sardar Hukam Singh: What are the specific advantages of having these overhead lines over and above these open lines?

Shri Raj Bahadur: Greater economy; it also provides stable fault-free communications.

Sardar Hukam Singh: Could there be any advantage in the shape of having lesser interruptions?

Shri Raj Bahadur: Yes; it will be so.

"O.Y.T." SCHEME

*1952. **Sardar Hukam Singh**: (a) Will the Minister of **Communications** be pleased to state whether the "Own Your Telephone" scheme has been extended to all important stations?

(b) What was the deposit received under this scheme during the year 1951-52?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) It has been extended to 16 stations only.

(b) Rs. 59,90,500.

Sardar Hukam Singh: May I know the total number of connections so far given under this scheme?

Shri Raj Bahadur: 12,021.

Sardar Hukam Singh: Have Government provided all the connections that were desired under this scheme? Are there any applications pending so far? If so, how many?

Shri Raj Bahadur: Certain applications are pending. We hope to be able to satisfy the demand made under this particular scheme.

Sardar Hukam Singh: Were there any cases in which such applications were refused?

Shri Raj Bahadur: I am not aware of that.

Shri A. C. Guha: Can the hon. Minister give a break up of this number 12021 city-wise?

Shri Raj Bahadur: Amritsar—137, Bombay 4968, Calcutta 2844.—I have given this information more than once.

Mr. Speaker: I think it had better be placed on the Table of the House. Next question.

DEVELOPMENT SCHEMES

*1953. **Shri S. N. Das:** Will the Minister of **Home Affairs** be pleased to refer to the reply to starred question No. 2611 asked on the 28th March, 1951 and lay on the Table of the House a State-wise statement giving the amounts of grants-in-aid that were given to various States for development schemes under Article 275 of the Constitution for the welfare of the Scheduled Tribes in the year 1951-52?

The Minister of Home Affairs and States (Dr. Katju): Attention is invited to the reply given to Shri Barman's Starred Question No. 962 on the 18th June 1952.

Shri S. N. Das: May I know when these development schemes were received by the Government and when allotments were made?

Dr. Katju: For this year or for the last year?

Shri S. N. Das: For 1951-52.

Dr. Katju: : I should like to have notice of the question.

Shri S. N. Das: May I know whether the schemes for 1952-53 have been received and allotments made?

Dr. Katju: The answer was, for the last year, the distribution of this sum of Rs. 180 lakhs among the different States is under examination.

Shri S. N. Das: May I know whether any report has been received on the working of the schemes that were sanctioned in 1951-52?

Dr. Katju: Notice.

Jonab Amjad Ali: Under article 275(1) of the Constitution, special mention has been made of the State of Assam requiring payment of the average excess of expenditure over the revenues during the two years immediately preceding the commencement of the Constitution. May I know how far the Government of Assam have asked for the improvement of the tribal areas of Assam in respect of communications, education, and such other things?

Dr. Katju: Notice. May I respectfully suggest that if hon. Members can put specific questions on specific points, I shall be able to give specific answers immediately.

Sardar Hukam Singh: Have the development schemes under this section, received from the Part A and Part B States, been examined by the Centre and conclusions arrived at?

Dr. Katju: Not yet. I hope to do it shortly.

श्री जांगड़े: क्या मैं जान सकता हूं कि किन किन राज्यों ने आदिवासियों के उत्थान के लिए अपनी योजनाएं केन्द्रीय सरकार को नहीं भेजीं और क्या उसके कारण केन्द्रीय सरकार ने उस साल के लिये अनुदान नहीं दिया ?

Mr. Speaker: The question of stopping grants has not yet arisen, as I understand.

Dr. Katju: I do not think so.

Dr. P. S. Deshmukh: Because of schemes not being sent.

श्री जांगड़े: क्या मैं जान सकता हूं कि किन किन स्टेटों ने आदिवासियों की उन्नति के लिए जो योजनाएं तैयार की जानी चाहियें थीं, उन योजनाओं को पेश नहीं किया और जिनके कारण से उन को उस वर्ष केन्द्रीय सरकार ने ग्रान्ट देना बन्द कर दिया ?

डा० काटजू: मुझे मालूम नहीं है ।

Shri S. N. Das: May I know whether there has been any increase in the number of Scheduled areas since the first order was made by the President?

Dr. Katju: In size?

Shri S. N. Das: In number.

Dr. Katju: That depends on the census; I cannot give an answer straightoff.

श्री जांगड़े: क्या माननीय मंत्री बतलायेंगे कि क्या यह सच है कि मध्य प्रदेश सरकार ने सन् १९५१-५२ के लिये आदिवासियों की उन्नति के लिए कोई योजना पेश नहीं की है, जिसके कारण शेड्यूल्ड कास्ट कमिश्नर ने ग्रान्ट बन्द कर देने की सिफ़ारिश की है ?

डा० काटजू: मैं ने आपसे निवेदन किया, अगर आप इस तरह का सवाल पूछेंगे तो

मैं तुरन्त जवाब दे दूंगा, कि मेरा हाफ़ज़ा इन मामलों में बहुत कमज़ोर है ।

श्री गणपति राम: क्या माननीय मंत्री महोदय बतला सकते हैं कि यह रुपया डेवलपमेंट की किन खास खास मदों में दिया जाता है ?

डा० काटजू: जी हां, इन तमाम मदों में यह रुपया दिया जाता है :—

Agricultural development including minor irrigation, educational advancement including hostels, scholarships, public health including anti-malarial operations, village roads, development of cottage industries.

Jonab Amjad Ali: For further information on this subject, would the hon. Minister for Home Affairs be pleased to admit a short notice question?

Mr. Speaker: Order, order; admission rests with the Chair.

Jonab Amjad Ali: Would he answer?

Mr. Speaker: If admitted. That is problematical at this stage.

Jonab Amjad Ali: He has not answered.

Mr. Speaker: Order, order; next question.

Shri S. N. Das: One more question, Sir. May I know whether there has been any increment on the lumpsum provisions for this purpose over last year?

Dr. Katju: Last year, to my recollection it was 150 lakhs; this year it is 180 lakhs.

Study Group of Inland Waterways

*1954. **Shri S. N. Das:** Will the Minister of **Transport** be pleased to state:

(a) whether the Indian team of experts which was deputed on a tour of Europe and the U.S.A. to study the technological advances in regard to inland water transport in those countries has submitted its report;

(b) what are the important suggestions that they have made on their return; and

(c) whether these experts have submitted any definite scheme for the development and improvement of navigational facilities?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The Study Group has submitted an interim report to the Economic Commission for Asia and the Far East, copies of which have been received by the Government of India. The final report is awaited.

(b) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 35.]

(c) No. The Group has recommended the pilot project drawn up by the Government of India for the purpose of demonstrating the feasibility of using shallow draft tugs on shallow stretches of the Ganga and its tributaries for towing barges.

Shri S. N. Das: May I know whether this Indian team was asked by the Government to submit a definite scheme for the development of inland navigation?

Shri L. B. Shastri: Yes; they will submit a scheme. We are awaiting their report.

Shri S. N. Das: May I know whether the recommendations have been considered by the Government and decisions taken thereon?

Shri L. B. Shastri: Not yet. We expect to get the final report within the next two or three months. We shall then consider the matter and take our decision.

Shri S. N. Das: May I know whether it is a fact that the U. N. Technical Administration were asked to supply an expert on inland navigation?

Shri L. B. Shastri: Yes; we have asked for an expert. It is expected that he will arrive here in October, 1952.

Shri S. N. Das: May I know whether there is any pilot project immediately to be given effect to?

Shri L. B. Shastri: That project is still under consideration. The main problems are being studied. As soon as the expert comes, the pilot project will be formulated.

Shri S. C. Samanta: May I know whether the Ganga Barrage scheme is being considered in the light of the interim recommendations of the study group?

Shri L. B. Shastri: The interm report is still being considered. It has come to us and it is still under consideration, and we are awaiting the final report which we expect to receive within two or three months, when specific proposals will be considered.

Shri Velayudhan: May I know, Sir, whether, apart from country boats and steam and motor boats for inland water transport, any other technical device is available from any other country?

Mr. Speaker: The question is perhaps too wide.

Shri A. C. Guha: May I know if the scope of the study is limited only to the Ganges or it extends also to the tributaries and subsidiaries of the Ganges in lower West Bengal?

Shri L. B. Shastri: Tributaries also.

Shri Bansal: May I know who were the members of this team?

Shri L. B. Shastri: There were three representatives from this country: Mr. M. L. Sood, Director, Navigation, Central Water and Power Commission, Shri K. A. Bhata, Inspector of Boilers and Steam Vessels, Government of Bihar, and Shri P. Basu, Assistant Director of Navigation, Central Water and Power Commission.

श्री गणपति राम : क्या माननीय मंत्री उन व्यक्तियों के नाम बतला सकते हैं जो इस एक्सपर्ट टीम (Expert team) में विदेश गये थे और उन पर भारत सरकार का कितना रुपया खर्च हुआ है ?

श्री एल० बी० शास्त्री: नाम तो मैं ने बता दिया । उन पर जो धन खर्च हुआ है वह बहुत कम है । दो अफ़सरों के लिये तो ढाई हजार रुपया खर्च हुआ है और जो बिहार के नोमिनी (Nominee) हैं उन पर बारह सौ रुपया खर्च हुआ है ।

TEA-STALLS AND REFRESHMENT ROOMS

*1955. **Shri S. C. Samanta:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the rents of and collections from tea-stalls and refreshment-rooms and canteens on Indian Railways have been enhanced;

(b) if so, from which date;

(c) what is the enhanced amount received in 1951-52; and

(d) what was the amount received in 1950-51?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes. The very low licence fees including rents which were formerly fixed for refreshment rooms, tea-stalls and platform vendors have recently been enhanced. No canteens, however, for the use of passengers, are run by the railways.

(b) Generally from 1st July 1951, the actual dates however, varying from railway to railway and also on the same railway in some cases where enhancements were given effect to in stages.

(c) Rs. 17,49,616.

(d) Rs. 12,54,179.

Shri S. C. Samanta: May I know whether the stuff of food and the method of service of food to passengers have deteriorated by the increase of rents?

Shri L. B. Shastri: That is not so, Sir.

Shri S. C. Samanta: May I know what steps the Government is going to take in the matter of altering the contracting basis when the Central Advisory Council is not in existence.

Shri L. B. Shastri: What is the question?

Shri S. C. Samanta: Before this, the Central Advisory Council went into the basis of the contracting system. May I know when this Council is not in existence, what steps Government will take to do that work?

Shri L. B. Shastri: As far as the Advisory Council is concerned, well, that is not in existence, but we are considering the appointment of a different committee. We will place all these matters before that committee which I hope will be constituted very soon. As regards a change in the system, it has been advised that the licensing system is perhaps better than the tender or contract system, and therefore we have adopted this method. As far as the increase in fees is concerned, in fact, it was very low before. So we have now increased it.

श्री एम० एल० द्विवेदी: मेरा यह अनुभवहै कि इन जाय के स्टालों में और रेलवे

के खाने के स्थानों में बाज़ार की दूकानों से खाद्य पदार्थ अच्छा नहीं होता, क्या माननीय मंत्री बतलाने की कृपा करेंगे कि इसका क्या कारण है कि अक्सर जब हम वहां पहुंचते हैं तो बड़ी गन्दगी होती है और...

Mr. Speaker: He is going too much into detail and giving information. His question assumes so many things which it is not probably possible for the Minister to accept.

श्री एम० एल० द्विवेदी: मेरा प्रश्न यह है कि इन चाय के स्टालों में और भोजन के स्थानों में भोजन की उत्तमता की जांच करने का क्या प्रबन्ध हो रहा है ? क्या इसके लिये कोई विशेष प्रबन्ध है ?

श्री एल० बी० शास्त्री: वैसे तो समय समय पर जो हमारे मेडिकल आफ़िसर्स हैं और जो दूसरा जांच करने वाला सुपरवाइज़री स्टाफ़ है वह जाता है और अपनी रिपोर्ट देता है । जहां तक खाने की बात है बाज़ार की और स्टेशनों की दूकानों में कोई खास फ़र्क़ नहीं है । मुझे तो बाज़ार में भी काफ़ी खराब खाना मिलता है । लेकिन हमें जो रिपोर्ट मिलती है उसको हम वहां की लोकल ऐडवाइज़री कमेटी के सामने पेश करते हैं और लोकल ऐडवाइज़री कमेटी की जैसी राय होती है उसके मुताबिक़ उसको सुधारने की कोशिश करते हैं ।

पंडित मुनीश्वर दत्त उपाध्याय: क्या कोई ऐसी योजना है कि अमुख श्रेणी के स्टेशनों में चाय की स्टालों और खाने की चीज़ों की दूकानों की तादाद इतनी ज़रूर होनी चाहिये, या जो कोई आ कर दर्ख्वास्त करता है उसको लाइसेन्स दे दिया जाता है ।

श्री एल० बी० शास्त्री: जी नहीं, ट्रेफ़िक की जैसी सूरत होती है उसके अनुसार वहां वेण्डर्स और रेस्टोरां वग़ैरह का लाइसेन्स दिया जाता है ।

Dr. P. S. Deshmukh: May I know if the rates of refreshments have recently been increased very largely, and if this has any connection with the enhancement of rent?

Shri L. B. Shastri: No, it has no connection with that. In fact, as I said before, the rates were low, and we have increased it on account of that. They are getting considerable profit out of these refreshment rooms and hotels. So the Railways thought it proper to increase.

Shri S. C. Samanta: The contract catering system and the departmental catering system, both exist at present. May I know how they compare?

Shri L. B. Shastri: In the opinion of the Railway Officers, the licensing system is better than the contract system.

Central Secretariat Clerical Service Scheme

*1956. **Shri S. C. Samanta:** (a) Will the Minister of Home Affairs be pleased to state whether the Central Secretariat Clerical Service Scheme has been finally drafted and approved by the Government of India?

(b) Have all the Ministries concerned been consulted while drafting the Scheme?

(c) What were the reactions of the Ministry of Finance?

(d) Is the final decision of the Government of India being worked out or when is it expected to be worked out?

The Minister of Home Affairs and States (Dr. Katju): (a) The Central Secretariat Clerical Service Scheme has been drafted and is under consideration.

(b) and (c). All Ministries including the Ministry of Finance were consulted and they have agreed generally to the Scheme.

(d) A decision is expected to be reached very shortly.

Shri S. C. Samanta: The second division system was abolished in 1939, and it has again been re-introduced. May I know whether the clerks that were in office have been given all facilities that are due?

Dr. Katju: This is a very complicated matter, and deals with a very large number of clerks employed in the Central Secretariat. It is not possible for me to deal with special cases and special groups individually in supplementary questions.

Shri S. C. Samanta: Is Government aware that some Upper Division Clerks serving for more than ten years are not being promoted as yet in the Commerce and Industries Ministry?

Dr. Katju: I require notice for this question.

श्री एम० एल० द्विवेदी : मैं माननीय मंत्री से जानना चाहता हूं कि क्या यह योजना तैयार हो जाने पर केन्द्र द्वारा प्रशासित राज्यों पर भी लागू होगी ?

Mr. Speaker: His question is: Will this system be extended to the Part "C" States?

Dr. Katju: This is for the Central Secretariat Clerical Service. It has nothing to do with Part "C" States.

पंडित मुनीश्वर दत्त उपाध्याय : इस योजना के अनुसार खर्च में या संख्या में कोई कमी या वृद्धि होगी ?

डा० काटजू : इसका बताना बड़ा मुश्किल है ।

पंडित मुनीश्वर दत्त उपाध्याय : इस योजना के अनुसार खर्चे में या संख्या में कितनी वृद्धि या कमी हुई है ?

डाक्टर काटजू : इसका कहना बड़ा मुश्किल है ।

Shri Damodara Menon: May I know whether in preparing this Central Secretariat Clerical Service Scheme the Government have taken into consideration the demand of the third division clerks that their pay-scales must be revised and that they must be given permanency in service, and if so, how far the scheme is calculated to satisfy their grievances?

Mr. Speaker: This question amounts to a representation on behalf of the employees. Such questions should not be put in the House as far as possible.

Shri Velayudhan: May I know whether the scheme will be submitted to the Union Public Service Commission before it is finally settled?

Dr. Katju: I do not think so.

श्री गणपति राम: क्या माननीय मंत्री महोदय यह बतला सकते हैं कि संविधान की धाराओं तथा डिपार्टमेंटल सरक्युलर्स का ध्यान रखते हुये शिड्यूल्ड कास्ट्स के कैंडिडेटों का भी इसमें प्रावीजन किया गया है ?

डा० काटजू: बड़ा मुश्किल है साहब ।

Agricultural Statistics

***1957. Shri S. C. Samanta:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the system of collection of agricultural Statistics in India has been changed;

(b) if so, what are the changes made;

(c) how many statisticians have been sent abroad to receive further education in International Training Centres and Seminars; and

(d) how many field experts from abroad have come to India to assist in developing appropriate agricultural statistical systems?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) There has been no change in the system of collection of agricultural statistics as such in India in recent years. There has, however, been considerable improvement in the coverage as well as the substitution of the eye estimation method by the sample survey (crop cutting) method in a number of areas.

(b) Agricultural Statistics being a State subject, the State Governments are responsible for their primary collection. The Ministry of Food and Agriculture at the Centre collect and publish them on an all-India basis.

(c) One.

(d) None so far.

Shri S. C. Samanta: As the agricultural statistics that are available now is alleged to be defective may I know what steps the Central Government have taken to improve the method of collecting data, and what instructions have been given to the States in this behalf?

Shri Karmarkar: In regard to agricultural statistics, the sample survey statistics which is better and more reliable is being adopted. For instance, this year in Bihar, Uttar Pradesh, Bombay and West Bengal, the data were collected on that basis. We wish very much that the same method is followed in other places also.

Shri S. C. Samanta: May I know whether the question of collection of data by the methodological process has been taken into consideration by the Government?

Shri Karmarkar: The sample survey method is a type of methodology, and it has not been possible to find out any other better method.

Shri Barman: May I ask what was the discrepancy found in last year's crop statistics as between the official method and the sample survey method?

Shri Karmarkar: Where the more accurate method was adopted, the less accurate one was not adopted. So, we cannot give the exact disparity between the statistics as found by the more accurate and the less accurate methods.

Shri K. K. Basu: Does this collection of agricultural statistics come under the control of the Statistical Laboratory at Calcutta?

Shri Karmarkar: Statistics, as I said earlier, form a State subject. We only try to co-ordinate and help further research if such research is possible.

Shri Raghavaiah: From what countries are we getting experts to advise us in these matters?

Shri Karmarkar: We are expecting from the F.A.O. two experts to advise and assist the I.C.A.R. in their research programmes and statistical plans, and also in their programmes of research relating to improvement of crop and livestock statistics.

COMMUNICATIONS DEVELOPMENT PLAN

*1958. **Dr. Ram Subhag Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that radio, telegraph and telephone services between Madras and overseas countries are to be expanded under a foreign communications development plan sanctioned by the Government of India;

(b) if so, whether preliminary work on this expansion project has started; and

(c) what is the estimated cost of that project?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Yes, steps are being taken to select and acquire a suitable site for setting up a station at Madras for the services proposed under the Plan.

(c) Rs. 23·25 lakhs.

Dr. Ram Subhag Singh: May I know to which foreign country Madras is linked at present and with what kind of route?

Shri Raj Bahadur: At present, there is tele-communication system by cable. So far as wireless telegraph service is concerned, Madras is linked only with Rangoon.

IMPORT OF RICE FROM BURMA

*1959. **Dr. Ram Subhag Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have imported any quantity of rice through private channels from Burma; and

(b) if so, what quantity of rice has, so far, been imported through private channels?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir.

(b) 69,766 tons upto 14th July, 1952.

Dr. Ram Subhag Singh: May I know how the import of rice from Burma is regulated in the case of the private trade channels?

Shri Karmarkar: I should like to find out the details as to how the rice comes for private channels. But merchants here are permitted to import rice from there.

Dr. Ram Subhag Singh: May I know how the merchants who are allowed to import rice from Burma are selected?

Shri Karmarkar: I am not sure of the position with regard to private channels. But I know this as a fact that so far as the Burmese exporters are concerned, a certain quantity i.e., about 250,000 tons or thereabouts is permitted to come on a State to State level, and the Burmese Government promised under this agreement 120,000 tons to private exporting channels there. But as to whether it is permitted through private importers here, I should like to find out.

Dr. Ram Subhag Singh: May I know whether the price of rice imported through private channels is the same as that of the rice imported on Government to Government basis?

Shri Karmarkar: Owing to the fact that the Burmese Government had put up these exports to tenders, the rice that comes through private channels from Burma is about 20 per cent. more costly than the rice imported on Government to Government basis.

Shri Raghavaiah: Are the Government contemplating the question of giving priority to the famine affected areas in the case of distribution of this rice imported from Burma?

Shri Karmarkar: The question relates to distribution. I should like to have notice.

LOCUST MENACE IN PERSIA

*1960. **Dr. Ram Subhag Singh:** Will the Minister of **Food and Agriculture** be pleased to state the total expenditure incurred by the Government of India in fighting locusts menace in Persia by sending insecticides and other equipments during the last six months?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The total expenditure incurred by the Government of India in sending aid to Iran for fighting the locusts menace there amounts to Rs. 1,35,000, of which about Rs. 62,000, being the cost of airlift, will be reimbursed to us by the F.A.O.

Shri Dabhi: How far has the locust menace in India been averted by these steps?

Shri Karmarkar: I think it was partially affected, but I should like to have notice.

Shri S. N. Das: May I know whether the Government of Pakistan also has spent any amount over this?

Shri Karmarkar: Am I expected to answer this question relating to Pakistan?

Mr. Speaker: If the hon. the Minister has the information available with him, he may give it.

Shri Karmarkar: I have no information about Pakistan, Sir.

RAW JUTE

*1961. **Shri L. N. Mishra:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether the Government of India have any pilot scheme to find out the cost of production of raw jute?

(b) If so, what progress has been made so far under that scheme and what are its details?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The Government of India have at present no proposal to conduct a pilot survey to find out the cost of production of raw jute. The Economic Research Section of the Indian Central Jute Committee have, however, been carrying out investigations into the cost of production of jute in certain centres in the principal jute-growing areas of the country.

(b) A statement showing the cost of production of jute for the two years 1949 and 1950 in a few centres based on the investigations carried out by the Indian Central Jute Committee is placed on the Table of the House.

STATEMENT

(Rupees per maund)

Centre	Cost of Production of Jute	
	1949-50	1950-51
	Rs. As. Ps.	Rs. As. Ps.
Monoharpur (West Bengal) . . .	28 5 0	49 7 0
Belakoba (West Bengal) . . .	27 7 0	28 14 0
Purnea (Bihar)	24 4 0	26 0 0
Kendrapara (Orissa)	19 6 0	23 5 0
Nowgong (Assam) . . .	28 5 0	25 0 0
Average	26 12 0	28 13 0

NOTE :—Adverse weather told heavily on the jute crop in 1950 (except at Nowgong) as a result of which the cost per maund was generally higher in 1951 than in the previous year. At Manoharpur, large areas had to be abandoned at the weeding stage, because of adverse weather conditions. Consequently the yield per acre there was very low, leading to high cost of production.

Shri L. N. Mishra: From the statement, it appears that due attention has not been paid to the problem. May I know whether in view of the demand for fixation of a minimum price for jute, the Government have under consideration any proposal to carry out some intensive and extensive pilot scheme in this connection?

Shri Karmarkar: As regards the cost calculation scheme, I do not agree with the hon. Member that the rates fixed by Government are not satisfactory. Government have done the best they could to find out the actual cost of production, as far as possible.

Shri A. C. Guha: May I know whether the Government has any idea whether the price now being paid for raw jute is economic or not?

Shri Karmarkar: So far as the past two months are concerned the prices have gone down very very much, but taking the average on the whole, the Government is satisfied that the prices raw jute fetched on an average was quite above the production price.

JUTE PRICES

*1962. **Shri L. N. Mishra:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that the "Prices Sub-Committee", was appointed by the Government of India, to prevent jute prices from falling below a rock bottom minimum?

(b) Is it a fact that the present slump in the Indian market has affected the price of raw jute adversely and the prices that are offered for Bihar jute, of even superior quality, do not cover the cost of its production?

(c) If so, what steps do Government propose to take to guarantee a remunerative price for jute and to safeguard the interests of the jute-growers of India?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The Prices Sub-Committee of the Policy Committee on Agriculture, Forestry and Fisheries was appointed in 1945 to consider the principles on which producer's prices of agricultural and animal husbandry produce of all descriptions should be fixed and the means by which such prices can be made effective and an assured market provided, and to make recommendations. The terms of reference of the Sub-Committee thus covered the question of minimum prices for raw jute.

(b) Prices of jute, including Bihar jute have been falling since January, 1952, but there is no evidence to indicate that taking the 1951-52 Jute Season as a whole the jute cultivators of Bihar have suffered a loss.

(c) Does not arise.

Shri L. N. Mishra: May I know, Sir, whether the Prices Sub-Committee has recommended that it is obligatory on the part of the State to prevent jute prices from falling below a rock bottom minimum?

Shri Karmarkar: Sir, if that implies an obligation on the part of the State to purchase jute if it goes down below a rock bottom, there is no such system.

Shri L. N. Mishra: May I know, Sir, the recommendations of the Jute Planning Sub-Committee appointed by the Central Jute Committee in connection with the prices of jute?

Shri Karmarkar: About that particularly, I should like to have notice. I have the recommendations of the Sub-Committee in general.

Dr. P. S. Deshmukh: Is this Prices Sub-Committee in existence today, and if so, what is the personnel?

Shri Karmarkar: I suppose normally after it finishes its work it expires, but I shall find out.

Shri L. N. Mishra: From the statement given by the Minister in answer to question No. 1961, it appears that the cost of cultivation of jute is something like Rs. 28 per maund. May I know what is the ruling price in the Calcutta market at present?

Shri Karmarkar: Sir, I have under this question the Calcutta price of Bihar jute. For 'northern bottom' as against July 1951, the price on June 4 this year was Rs. 33 per md. 'western bottom' from the monthly average of Rs. 64-13 for July 1951, the present price is Rs. 27; and what we call 'jungle bottom' has come down from, as against July 1951 Rs. 64-7, to May average Rs. 21-1.

Shri L. N. Mishra: In view of the fact that the prices have fallen below the cost of production, do the Government propose to have some minimum price for jute?

Shri Karmarkar: We are considering the matter.

DRUGS AND PHARMACEUTICALS

*1963. **Shri S. V. Ramaswamy:** (a) Will the Minister of **Health** be pleased to state what is the number of Indian firms which manufacture drugs and pharmaceuticals?

(b) Have there been complaints that such manufacturers do not always

conform to the prescribed formulae or to International Standards?

(c) If so, what steps are being taken to ensure that only guaranteed products are put on the market?

The Minister of Health (Rajkumari Amrit Kaur): (a) The number of licences for manufacture issued under the Drugs Act in Part A States and the Part C States of Delhi, Ajmer and Coorg is 2,026. In the Part B States and the remaining Part C States where the Drugs Act was introduced only a short time ago the implementation of the Act is only just starting and information regarding licences issued for manufacture is not yet available. Most of the licensees are understood to be small concerns.

(b) There have been complaints regarding drugs which are not up to standard.

(c) The Drugs Act, 1940, and the rules made thereunder provide penalties for the manufacture, and sale of drugs which are not of the prescribed standards of quality. The State Governments which are responsible for enforcing the Act have their enforcement staff consisting of Inspectors and Licensing Officers.

Shri S. V. Ramaswamy: If drugs are not up to the standard, what is the action that the Government take?

Rajkumari Amrit Kaur: Well, Sir, the Drugs Act provides for punishment and, in my opinion, it is all a question of inadequate machinery in the States to see that the Drugs Act is enforced.

Shri S. V. Ramaswamy: Are drugs like vitamins and hormones made in India?

Rajkumari Amrit Kaur: Yes, Sir.

Shri S. V. Ramaswamy: What is the value of the imports of such drugs?

Rajkumari Amrit Kaur: I could not give that figure off-hand. The Ministry of Commerce is also concerned.

Shri Velayudhan: May I know, Sir, whether any action is being contemplated by the Government in order to check spurious drugs manufacture?

Rajkumari Amrit Kaur: As I have already said the Drugs Act obtains in all the States. But I am in touch with the States in regard to certain amendments which, I think, would help to bring these offences under trial by making them cognizable.

Sardar Hukam Singh: May I know the number of certificates granted for patent and proprietary medicines under the Drugs Act?

Rajkumari Amrit Kaur: I would like to have notice.

Shri R. K. Chaudhury: May I know, Sir, if the same complaint is made against some foreign firms who have established their factories here, such as May and Baker and others, and whether this deficiency is due to want of the necessary materials in India?

Rajkumari Amrit Kaur: I have received no complaints against these firms.

Shri R. K. Chaudhury: Is this complaint due to the fact that the necessary ingredients are not available in India and cannot be imported from outside?

Mr. Speaker: The reply is that there is no basis for it because she has received no complaints.

MYSORE STATE RAILWAY

*1964. **Shri M. S. Gurupadaswamy:** Will the Minister of **Railways** be pleased to state:

(a) how many employees have been discharged from the old Mysore State Railway (Southern Railway) since January 1949; and

(b) what are the reasons for their discharge?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) 367.

(b) These include unauthorised absence, misconduct, reduction of establishment, thefts, inefficiency and medical unfitness.

Shri M. S. Gurupadaswamy: May I know Sir, whether the Government have received any representation from these discharged persons for reinstatement?

Shri L. B. Shastri: Well, every employee who is discharged has a right of appeal. I cannot say about each and every case, whether they had sent any representation or not.

Shri M. S. Gurupadaswamy: Is it a fact, Sir, that persons in similar circumstances in Bombay, Madras and other neighbouring States have been reinstated?

Mr. Speaker: I think it is more or less argumentative.

Shri M. S. Gurupadaswamy: May I know Sir, whether these discharges have been made after the integration of railways?

Shri L. B. Shastri: No, that is not so.

Shri M. S. Gurupadaswamy: May I know Sir, whether the Government is going to consider their case in the near future?

Shri L. B. Shastri: Well, we really feel sorry when such steps are taken, but when there is slackness, defiance of orders, inefficiency and corruption, we have to take stringent measures. I have all my sympathy with the workers and officers both, but I am against showing leniency in the matter of dereliction of duty.

Shri M. S. Gurupadaswamy: Is it a fact, Sir, that at the time of the integration of these railways with the Centre a guarantee was given to the Mysore State Government that these persons would be reinstated?

Shri L. B. Shastri: I am not aware of that.

CENTRAL ROAD RESERVE FUND

*1965. **Shri Shivananjappa:** Will the Minister of **Transport** be pleased to state:

(a) whether the Union Government have made allotments of Grants to States from the Central Road Reserve Fund for 1951-52; and

(b) if so, the details of allotments made to each of these States?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (b). Grants from the Central Road Fund (Ordinary) Reserve are not sanctioned on an annual basis. Proposals are invited periodically for allotment of grants from the available balances in the reserve for suitable schemes. Grants which were offered for schemes in this way during the year 1951-52 were:

	Rs. lakhs
(1) Assam	0·34
(2) Ajmer	0·44
(3) Bombay	1·17
(4) Madras	3·62
(5) Madhya Bharat	1·24
(6) Orissa	9·68
(7) Rajasthan	2·85
(8) Uttar Pradesh	3·00
(9) West Bengal	4·31
(10) Village Road Development in all States	15·00
(11) Road Research and Experiment	1·94
	43·59

Shri Shivananjappa: May I know, Sir, the amount allotted for national highways and that allotted for inter-village roads?

Shri L. B. Shastri: Well, I shall require notice for that. But for village road development we have provided Rs. 15 lakhs for all the States.

Dr. P. S. Deshmukh: May I know, Sir, what is the reason why no amount has been given to Madhya Pradesh?

Shri L. B. Shastri: Well, it is for the States to ask for it. Whenever they have written to us we have made no exception. It seems Madhya Pradesh has been slack about it.

श्री पी० आर० राव: हैदराबाद स्टेट के लिये कितना मंजूर किया गया है ?

श्री एल० बी० शास्त्री: इस साल तो नहीं किया गया है लेकिन जैसा मैं ने कहा कि हर स्टेट के लिए रिजर्व फंड है। जो मांगते हैं और सी जरूरत होती है उसके हिसाब से हमने हर स्टेट को दिया है।

Shri A. C. Guha: What has been the total collection in the Fund so far?

Shri L. B. Shastri: About Rs. 5 crores.

Shri S. C. Samanta: May I know whether it is a fact that most of the amount allotted to West Bengal will be spent for building the demarcation line between West Bengal and Eastern Pakistan?

Shri L. B. Shastri: Well, the projects and plans are prepared by the State Governments and it is for them to decide and fix the priority. If they think that the demarcation line is more necessary they will spend the amount on that.

Shri Pataskar: May I know if the grants to the States are made for specific purposes or only generally?

Shri L. B. Shastri: They are made for a specific purpose except in the case of grants for roads in the rural areas.

Shri Achuthan: May I know whether any amount is diverted from this Fund for national highways?

Shri L. B. Shastri: No, not for the national highways.

Shri Madiah Gowda: What is the principle followed in making these allotments?

Shri L. B. Shastri: This Reserve is specially utilised for financing specific projects which call for such grants. It is meant for selected, important road projects in backward areas which cannot be financed by the States themselves. Special grants are made for selected road projects of importance connecting more than one unit of administration or for the Union as a whole. It is also meant for other matters of common interest, for example, training of road engineers.

कोसा तथा लाख

*१९६६. **श्री जांगड़े** : क्या खाद तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि कोसा तथा लाख के घरेलू उद्योगों को पुनर्जीवित और प्रोत्साहित करने के लिये सरकार ने क्या पग उठाये हैं ?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The States of West Bengal, Bihar, Orissa and Madhya Pradesh who are the producers of Tasar get all possible financial assistance and technical guidance from the Central Silk Board set up by the Central Government. Demonstration and experimental work on an indigenous improved type of Tasar reeling machine which is expected to help the Tasar reelers in these States to increase quantity, improve quality and reduce production cost is done by the technical staff of the Board. The Board also sanctioned a grant of Rs. 5,000 in August, 1951 for a special Tasar Development Scheme in Orissa.

The Indian Lac Cess Committee has been constituted for improving and developing the cultivation, manufacture and marketing of lac. It has sanctioned three main schemes which aim at dissemination of results of research work with a view to their adoption by appropriate interests, namely,

(1) Intensive Demonstration Scheme.

(2) Extension of lac cultivation.

(3) Training and advice in respect of industrial uses of lac.

Shri Jangde: May I know whether any research has been made for the qualitative and quantitative growth of tasar?

Shri Karmarkar: I said so, Sir.

Shri Jangde: May I know whether Government is contemplating to establish a research centre at Chaivasa which is the growing centre of tasar?

Shri Karmarkar: I have no idea that we are contemplating at present any such scheme, but if the State Government proposes a scheme we shall very happily consider it.

Shri Jangde: Has Government taken into account the number of persons employed in the tasar industry which manufacture cloth?

Shri Karmarkar: We have a rough estimate of the number of people engaged in the silk industry as a whole, that is the raw silk growers. About the exact number employed in the tasar industry, I should like to have notice.

श्री झुनझुनवाला: क्या माननीय मंत्री को यह मालूम है कि भागलपुर में टसर की बड़ी भारी इंडस्ट्री है । जब से आर्टीफिशियल सिल्क आने लगा तब से यह इंडस्ट्री प्रायः खत्म हो गयी है । क्या गवर्नमेंट इसके बारे में कुछ कर रही है और कर रही है तो क्या कर रही है ?

श्री करमरकर: भागलपुर टसर का बड़ा भारी सेंटर है यह हम जानते हैं और टसके बारे में दूसरे मैटीरियल के काम्पीईशन से यह सिल्क इंडस्ट्री सफ़र करती है इसका भी हमको पता है और जितना भी हो सकता है इस इंडस्ट्री को प्रमोट करने के लिये वह हम सब कोशिश करते हैं और टसर को और दूसरी तरह की सिल्क इंडस्ट्री को प्रोत्साहन देते हैं ।

श्री झुनझुनवाला: मेरा कहना यह है कि आर्टीफ़िशियल सिल्क यार्न के आने की वजह से जितने भी वीवर्स हैं वे सब सिल्क यार्न वीव करने लगे हैं और वे टसर को प्रायः एकदम भूल से गये हैं । इसके लिये गवर्नमेंट ने कुछ किया है या नहीं और किया है तो क्या किया है ?

श्री करमरकर: क्या माननीय सभासद का यह कहना है कि आर्टीफ़िशियल सिल्क का इम्पोर्ट कम करना है ?

Mr. Speaker: That is what he suggests.

Shri Karmarkar: I see. I will take that suggestion.

Shri Jangde: Has the Central Cottage Industries Board taken into account that the tasar industry is not declined?

Mr. Speaker: Order, order.

सरदार ए० एस० सहगल: टसर इंडस्ट्री को प्रोत्साहन देने के लिये क्या स्टेट सरकार को भारतीय सरकार अपने एक्सपर्टस देने की कृपा करेगी ?

श्री करमरकर: अभी कोई चार पांच एक्सपर्ट उन स्टेट्स में जहां सिल्क पैदा होता है जाकर घूमते रहते हैं और इस काम के लिये अगर और ज्यादा सहायता चाहिये तो सेंट्रल सिल्क बोर्ड उस पर विचार करेगा ।

सरदार ए० एस० सहगल: क्या सरकार को यह मालूम है कि छत्तीसगढ़ के इलाक़े में सब से ज्यादा टसर पैदा होता है और उसको प्रोत्साहन देने के लिये क्या सरकार अपने आदमी भेजने की कोशिश करेगी ?

श्री करमरकर: अगर ज़रूरत होगी तो ज़रूर भेजेगी ।

Separation of Judiciary from the Executive

*1967. **Shri M. S. Gurupadaswamy:** Will the Minister of **Home Affairs** be pleased to state:

(a) how far the principle of separation of the Executive from the judiciary has been implemented both in the Centre and the States; and

(b) when this separation will be complete?

The Minister of Home Affairs and States (Dr. Katju): (a) The separation of the Judiciary from the Executive is primarily the concern of the State Governments. Schemes of separation are in force throughout the States of Madhya Bharat, Hyderabad and Bombay and in certain districts of Madras, Uttar Pradesh, Madhya Pradesh and Bihar.

(b) The hon. member will appreciate that I am not in a position to fix any time-limit.

Shri M. S. Gurupadaswamy: May I know whether it is not a fact that the Preventive Detention Act takes away many of the powers that legitimately belong to the judiciary and transfers them to the executive?

Mr. Speaker: It is a matter of interpretation of the Act.

Dr. Katju: I suggest that my hon. friend should read the Preventive Detention Act and the schemes which have been prepared in many of the States.

Shri V. P. Nayar: Is it not a fact that the theory of separation of powers still remains an ideological fiction here?

Mr. Speaker: He is asking for an opinion. Opinions may differ.

Shri M. S. Gurupadaswamy: May I know whether Government is aware that in certain States many civilian officers are being posted as magistrates?

Dr. Katju: Civilian officers posted as magistrates? What is the idea behind the question?

Mr. Speaker: In view of the answer already given, it is no use pursuing it further.

Shri Velayudhan: May I know whether this separation has taken place in Part C States?

Dr. Katju: I do not think so, Sir, so far.

Central Secretariat Service

*1969. **Shri A. K. Gopalan:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that certain persons not fulfilling the requirements of the Central Secretariat Service (Reorganisation and Reinforcement) Scheme have been included in the initial constitution?

(b) On what criteria or considerations have these persons been included in the scheme?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). In addition to eligible candidates Ministries were authorised to recommend "hard cases" of officers who were technically ineligible but whose exclusion from consideration would operate harshly on them. One particular category of such officers were displaced Government servants who

had held Supervisory Posts in Pakistan, but not in India.

Shri A. K. Gopalan: May I know whether several senior men who have put in long service and deserve promotion have been altogether excluded in the initial constitution of the reorganised Central Secretariat Service?

Dr. Katju: I cannot give a definite answer to this indefinite question, but I know this much, that the various Ministries recommended approximately 1,000 cases. These were referred to a Special Recruitment Board and the Board recommended 300 out of these 1,000 cases as suitable for favourable consideration.

Shri Nambiar: Are Government aware of the great discontentment prevailing among the staff over the way in which this whole re-organisation scheme has been put into effect?

Dr. Katju: I require notice.

SCHEDULED CASTES EMPLOYEES (CONFIRMATION)

*1970. **Shri Jatav-vir:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Government of India had agreed to confirm all the Scheduled Castes assistants/clerks, etc. serving under the Central Government prior to 31st December 1947;

(b) if so, whether all such persons have been confirmed so far;

(c) if not, the reasons therefor; and

(d) whether the Government of India have under consideration any similar proposal in respect of such persons who have been employed after 31st December, 1947?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes. Temporary employees belonging to Scheduled Castes who were recruited upto the 31st December 1947 as Assistants or clerks in the Secretariat or Attached Offices and who were educationally qualified for the posts they held are eligible for confirmation up to the maximum of 12½ per cent. available for direct recruitment in the Grades in which they are employed provided they have rendered at least three years' service and their sevice is considered satisfactory by the Ministry concerned.

(b) and (c). With the exception of a few cases in which the employees were not recommended by the Ministry concerned or the preliminaries necessary before confirmation have not yet been completed, all such persons have been nominated by the Ministry of Home Affairs for permanent appointment.

(d) This matter is being considered as part of the arrangements for the future maintenance of the Assistant's Grade and in connection with the Central Secretariat Clerical Service (Reorganisation) Scheme which is being formulated. The proposal is that persons who have put in one year's service as Assistants or clerks by 1st July 1952 should be appointed to the Regular Temporary Establishment of Assistants or to the Clerical Services as the case may be.

A decision on this proposal is expected to be taken shortly.

श्री जाटव वीर: क्या यह बात सच है कि इस सम्बन्ध में कोई आवेदन पत्र आप की सेवा में भेजा गया है और भेजा गया है तो उसमें क्या हो रहा है ?

Mr. Speaker: From whom, representation from whom?

Shri Jatav-vir: From the Members of Parliament to the hon. Minister for Home Affairs.

डा० काटजू: मेरे ऊपर पार्लियामेंट के बहुत से मेम्बर कृपा करते हैं और खत भेजते हैं। उन पर मैं जो कुछ होता है साधारण विचार करता हूं और उस पर मुनासिब अमल भी करता हूं। लेकिन अलग अलग एक एक के लिये कहना तो बड़ा मुश्किल हो जाता है।

श्री पी० एन० राजभोज: क्या मंत्री महोदय बतला सकते हैं कि शिड्यूल्ड कास्ट्स के असिस्टेंट्स और क्लर्क्स की कितनी संख्या है ?

डा० काटजू: बड़ा मुश्किल है कहना, मैं नोटिस चाहता हूं।

श्री जाटव वीर: क्या यह बात सच है कि तीन हजार असिस्टेंट्स और क्लर्क्स हैं और उनमें अछूत जाति के केवल तीस हैं ?

डा० काटजू : मैं न इधर कह सकता हूं, न उधर कह सकता हूं। मेरे ख्याल में बहुत ज्यादा हैं। आपने सही बात नहीं कही। मैं सही तो नहीं कह सकता, लेकिन मेरे पास कुछ फ़िगर्स हैं

So far 33 persons have been nominated as Assistants and 203 persons have been nominated as clerks under this concession.

Shri M. R. Krishna: May I know the conditions governing the promotion of scheduled caste government servants? I want to know whether they are given any special consideration in regard to promotion.

Dr. Katju: I have answered this question during the last six weeks several times. One concession has been the relaxation of the age-limit. The other concession has been, by executive instructions, that they should be dealt with intelligently.

Shri Velayudhan: May I know if even after five years of temporary service the scheduled caste employees are not made quasi-permanent?

Dr. Katju: I would request the hon. Member to put a specific question. I shall then be in a position to give a specific answer.

Shri Veeraswamy: May I know how many scheduled caste men are working as gazetted officers in the Central Government Secretariat?

Dr. Katju: I ask my hon. friend to have some mercy on me. It is really not possible for me to say just how many scheduled caste officers are there in the Central Secretariat.

Mr. Speaker: I am going to the next question.

TELEGRAPH ENGINEERING AND WIRELESS SERVICES

*1971. **Shri Tushar Chatterjea:** Will the Minister of **Communications** be pleased to state:

(a) the general system of promotion of officers of the Telegraph Engineering and Wireless Service class II to T.E.S. class I;

(b) whether there has been any case of promotion where the usual system was not followed; and

(c) whether there was any deputation of the said officers waiting on the Ministry of Communications in this connection and if so, the result?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Officers of the Telegraph Engineering and Wireless Service, Class II, are promoted to the Telegraph Engineering Service, Class I, on the principle of selection by merit, on the recommendations of a Departmental Promotion Committee and with the approval of the Union Public Service Commission.

(b) No.

(c) Yes. The deputation was informed that the existing system was working satisfactorily. It was, however, invited to furnish details of any other method which it considered more suitable.

Shri Tushar Chatterjea: May I know whether it is a fact that some of the promotions made to Class I vacancies were not according to the rules and complaints were lodged against them by the officers concerned?

Shri Raj Bahadur: Unless specific cases are pointed out, it is very difficult for me to say anything.

Shri Tushar Chatterjea: May I know whether this scheme of promotion is in conformity with the recommendations of the Central Pay Commission?

Shri Raj Bahadur: There is an established convention and practice governed by certain prescribed rules and that is the way in which promotions take place.

Shri Nambiar: May I know whether these promotions are according to strict seniority, of course in consonance with the minimum qualification required?

Shri Raj Bahadur: For Class I posts, promotions are made strictly on the basis of merit, and when qualifications are equal seniority comes into play.

Shri Raghavaiah: May I know whether there is any relaxation in the principles adopted for promotion in relation to scheduled caste employees in this Department also?

Shri Raj Bahadur: There is no relaxation of rules so far as Class I posts are concerned.

Mr. Speaker: He is asking in relation to scheduled caste employees.

Shri Raj Bahadur: I know, Sir. There is no relaxation. The cases are decided on merits.

DELHI HEALTH SERVICES

*1972. **Shri Radha Raman:** Will the Minister of **Health** be pleased to state:

(a) whether the tenure system under which officers are transferred is applicable to Delhi Health Services; and

(b) if not, why a different system is enforced in Delhi?

The Minister of Health (Rajkumari Amrit Kaur): (a) No. The tenure system does not at present apply to the Health Services in any Part C State.

(b) Does not arise. I may, however, explain that there is at present no single Central Health Cadre so as to permit of officers being transferred from one post to another. The question of forming a Central Health Cadre is under consideration.

Shri Radha Raman: May I know the number of officers who are at present in the Delhi Health Service, their dates of assuming office, and the province or provinces to which they belong?

Rajkumari Amrit Kaur: It is impossible for me to give now the entire information. As far as I.M.S. officers are concerned, there are at present two in the Delhi State.

WRITTEN ANSWERS TO QUESTIONS

डी० टी० एस

*१९६८. **सेठ गोविन्द दास :** क्या **यातायात** मंत्री यह बतलाने की कृपा करेंगे कि दिल्ली यातायात प्राधिकार द्वारा १९५१-५२ में नई बसों के खरीदने में कितना धन व्यय किया गया ?

The Minister of Railways and Transport (Shri L. B. Shastri): The expenditure incurred by Delhi Road Transport Authority on the purchase of new buses during 1951-52 was Rs. 34·14 lakhs.

टेलीफ़ोन और रेडियो सैट

*१९७३. **सेठ अचल सिंह :** क्या **संचरण** मंत्री यह बतलाने की कृपा करेंगे :

(क) भारत में प्रयोग में आने वाले टेलीफ़ोनों और रेडियो सैटों की कुल संख्या ;

(ख) क्या यह सच है कि १९५१ तक टेलीफ़ोन रखने वालों से ६३,००,००० रुपये की बक़ाया वसूल होनी थी ; तथा

(ग) यदि हां, तो इसे वसूल करने के लिये क्या पग उठाये जा रहे हैं ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 1,85,432 telephones on 1st April 1952. Information regarding radio sets is not available.

(b) The total outstandings on 1st April 1950 in respect of telephone bills was Rs. 63 lakhs, while on 1st February, 1952, it was Rs. 47 lakhs.

(c) A relatively small amount relates to the private subscribers whose telephones are disconnected or proscribed for trunk calls on account of non-payment of dues. When personal efforts fail, Civil suits are filed against the defaulters. A major portion of these outstandings relates to the Central and State Governments subscribers. This has already attracted Government's attention and the State Governments and the various Ministries of the Central Government have been addressed.

It has been decided that Government connections also should be proscribed if trunk call dues are not paid within sixty days from the date of the bill.

The question of obtaining payment of telephone bills of Government subscribers in cash, instead of by book adjustment as at present, is under consideration.

ZOOLOGICAL SURVEY IN KORAPUT DISTRICT (ORISSA)

*1974. **Shri Sanganna:** (a) Will the Minister of **Food and Agriculture** be pleased to state whether it is a fact that Zoological Survey was carried out in the year 1950 in the mountains of the Koraput District (Orissa) in search of Himalayan type of plants and fishes in the forests and rivers of these mountains;

(b) If so, what was the result?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Only zoological survey was carried out under the Zoological Survey of India.

(b) No Himalayan fishes were found in this region.

CENTRAL DRUGS LABORATORY

*1975. **Shri H. N. Mukerjee:** Will the Minister of **Health** be pleased to state:

(a) whether Government have decided to shift the Central Drugs Laboratory from Calcutta to Lucknow; and

(b) if so, the reasons therefor?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Attention is invited to the reply given to Part (a) of unstarred question No. 448, dated the 17th July, 1952.

REPORT ON LOSSES AND DAMAGES TO GOODS IN TRANSIT

*1976. **Shri N. P. Sinha:** Will the Minister of **Railways** be pleased to state:

(a) whether a Director of the Railway Board who has been appointed to investigate into the cases of losses and damages to goods in transit, has submitted any report of his work; and

(b) how far his jurisdiction of work extended?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) A Director of Railway Board on leave preparatory to retirement was recalled to duty to investigate into the causes of losses and damages to goods in transit.

(b) The monthly salary of the Officer was Rs. 3,000 per month plus Overseas pay of £13-6-8 per month.

The terms of reference were:

(i) To investigate into the causes of abnormally high compensation claims on railways and to suggest and initiate means to reduce them to the minimum.

(ii) To recommend improvements by adopting mechanical processes or otherwise in the procedure of booking passengers and/or merchandise so as to provide more prompt and efficient service and reduce the total cost entailed by cumbersome manual methods.

POPULATION PROBLEMS

*1977. **Shri S. N. Das:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of India's opinion has been sought by the United Nations Economic and Social Council to hold a World Conference on Population problems;

(b) if so, what are the reactions of Government in this regard; and

(c) the important points that have been suggested to be discussed in the proposed conference?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) and (c). The matter is still under discussion with the Secretariat of the United Nations.

FOOD SCARCITY IN PEPSU

*1978. **Shri Chinaria:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that almost the whole of the Mohendergarh District and some parts of the Sangrur District of PEPSU in Jind and Narwana Tehsils are under famine conditions since last eighteen months;

(b) what steps have been taken in the matter so far; and

(c) whether the Central Government have given any financial help as famine relief to that State (PEPSU)?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) It is correct that scarcity conditions are prevailing in these areas.

(b) A statement giving the required information is placed on the Table of the House. [*See* Appendix IX, annexure No. 36.]

(c) Famine relief is the responsibility of State Governments.

SPECIAL BOARD FOR RECRUITMENT OF SCHEDULED CASTES

*1979. **Shri Jatav-vir:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the late Sardar V. Patel when he was Home Minister in 1946 promised in reply to Shri N. Shivraj the then M.L.A. to set up a special Board for the recruitment of Scheduled Castes;

(b) if so, what progress has been made in the matter; and

(c) whether Government will constitute such a Board and pool together all the vacancies reserved for the Scheduled Castes in all grades of service and make recruitment through the Board so as to ensure that no post reserved for the Scheduled Castes go unfilled by a candidate of these Castes on the plea of non-availability of Scheduled Castes suitable candidates?

The Minister of Home Affairs and States (Dr. Katju): (a) A speech made by the late Sardar Patel during the Budget Debate in 1946 contained the following passage:

"Where the selection is made by departments at present and since it is possible that the same amount of care which we wish to take is not perhaps taken and there may be a legitimate grievance, I have decided to appoint a Board for the selection of candidates to subordinate services which would look after the interest of the Scheduled Castes and minorities so that their grievance may be removed. This will ensure selection more or less on the same lines as is done by the Federal Public Service Commission for other services."

(b) and (c). In December 1947, Government approved in principle the establishment of a Central Subordinate Services Commission, with a view to secure systematic recruitment through an independent agency and also due observance of reservations in favour of Scheduled Castes and minority communities.

In March, 1948, an Officer on Special Duty was appointed to study the practical implications and to work out administrative details. His investigations revealed that the task of such a Commission would be far more difficult and complex than had been anticipated and that Government's original proposal would have to be materially modified.

Meanwhile, Government were also faced with the problem of finding employment for a very large number of displaced Government servants and other highly qualified displaced persons and also of mitigating the human suffering caused by heavy retrenchment in the Supply Department and other organizations which had grown enormously during the war. Government were therefore compelled to announce that, until further orders, priority would be given to these categories of candidates. Until the task of resettlement of these classes is completed, normal recruitment from the open market cannot be resumed. This position was explained by the late Sardar Patel in his answer to Starred Question No. 1199 answered in the Parliament of India on the 29th March, 1950.

I may add that care is being taken to ensure that, even among the priority categories, reservations in favour of the Scheduled Castes and Scheduled Tribes are observed.

DEESA-KANDALA RAILWAY LINE

***1980. Shri Jasani:** Will the Minister of **Railways** be pleased to state:

(a) when the construction of Deesa-Kandala Railway line is likely to be completed;

(b) how much amount has so far been spent for the construction of this line and how much more is to be spent till the completion of work; and

(c) from when the Goods and Passengers services will commence?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) All the works in connection with the construction of the Deesa-Kandala Railway are expected to be completed by the end of year 1953.

(b) Rs. 3·35 crores have been spent upto end of May, 1952 and Rs. 2·32 crores more are likely to be spent till the completion of the work.

(c) The line is expected to be opened to both passenger and goods traffic in October 1952.

OVER-PAYMENT FOR SUPPLY OF COAL

***1981. Shri N. S. Nair:** Will the Minister of **Railways** be pleased to state:

(a) how much of the over-payment for the supply of coal in 1949 of Rs. 56,227 has been recovered; and

(b) what steps have been taken to avoid such over-payments in future?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The hon. Member apparently refers to the loss mentioned in para. 20 of the Railway Audit Report, 1950. No recovery has been possible as the Law Ministry advised that a price notification could not be given retrospective effect as it affects past financial transactions.

(b) As recommended by the Public Accounts Committee in their report issued in April 1952, a procedure is being evolved in consultation with the Ministry of Production and the Coal Commissioner, to ensure better co-ordination between the two Ministries to avoid the recurrence of such losses.

PURCHASES FROM 'TELCO'

***1982. Shri N. S. Nair:** Will the Minister of **Railways** be pleased to state:

(a) what amounts were paid to the 'Telco' for purchases during the 'A'

and 'B' periods as provisional payments;

(b) whether the prices for the A and B periods have been finalised and if so, what additional payments were made on that score;

(c) whether the prices for the period 'C' have been fixed and if so, what are the rates; and

(d) what is the total amount paid for purchases from the 'Telco' after January, 1949?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Rs. 1,61,70,000.

(b) Prices for periods 'A' and 'B' not yet finalised.

(c) No; Period 'C' has not yet commenced.

(d) Rs. 1,29,09,000.

RAILWAY EMPLOYEES (ALLOWANCES)

*1983. **Shri Vittal Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether the Government of India have accepted the recommendation of the 'Joint Advisory Committee' regarding payment of Island, Ghat and Hill allowances to Railway Employees; and

(b) if the answer to part (a) above be in the affirmative why the Railway Staff working at Lonavala, Khandala, Igatpuri and Matheran on Central Railway have not yet been paid?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes; Government have accepted the recommendation of the Joint Advisory Committee that in granting Island, Ghat and Hill allowances to the employees of the Central Government, the practice of the State Governments should be taken into account as recommended by the Central Pay Commission.

(b) The Bombay Government are not paying any Hill allowance to their staff stationed at Khandala, but they are paying certain allowances to their staff at Lonavala, Igatpuri and Matheran. No Hill allowance is payable to the Railway staff at Khandala. As regards the allowance to be granted to the Railway staff at Lonavala, Igatpuri and Matheran, the matter is under consideration.

COMPENSATORY ALLOWANCE TO RAILWAY EMPLOYEES

*1984. **Shri Vittal Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that assurance was given by the Minister for Railways that the question of Poona being classified as 'B' area for the purpose of computing compensatory allowance would be considered after the Census; and

(b) if the reply to part (a) above be in the affirmative what decision has since been arrived at by Government?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) An assurance was given to the A.I.R.F. and I.N.R.W.F. that the question of re-classification of cities for the purpose of grant of Compensatory allowance would be taken up when the figures of 1951 Census were available.

(b) The question of the re-classification of cities is still under consideration and no decision has been arrived at.

CRIMINAL TRIBES ACT

*1985. **Shri N. P. Sinha:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether all the States have passed appropriate legislations to replace Criminal Tribes Act which stands repealed with effect from 31st August, 1952;

(b) if so, which of the States; and

(c) whether the title of such a legislation is common in all the States?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The States of Bombay, Madras and Rajasthan have passed legislation to replace the Criminal Tribes Act. The Madras Restriction of Habitual Offenders Act, 1948 has been extended to the States of Delhi and Ajmer. The States of West Bengal, Bihar, Punjab, Uttar Pradesh, Hyderabad, Mysore, Saurashtra, Madhya Bharat, PEPSU and Bhopal are taking steps to enact such legislation.

(c) No.

RAILWAY CLAIMS

*1986. **Shri K. K. Basu:** Will the Minister of **Railways** be pleased to state:

(a) the number of claims cases in South, Central and Western Railways per year since regrouping;

(b) whether there has been any increase in such cases in these areas since regrouping; and

(c) average time taken to dispose of such claims?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The total number of claims received by the Southern Railway from 1st April 1951 the date of regrouping to 31st March 1952 was 48,171. In the case of Central and Western Railways the number was 27,442 and 21,272 respectively for the period from 1st November 1951 the date of regrouping to 31st May 1952, the latest period for which figures are available.

(b) There has been an increase in the number of claims received in the case of the Southern and Central Railways and a slight decrease in the case of the Western Railway.

(c) The average time taken to dispose of a claim by Southern, Central and Western Railways during 1951-52 was 79, 87, 78 days respectively.

STATE OFFICIALS OF MANIPUR (PAY)

*1987. **Shri L. J. Singh:** Will the Minister of **States** be pleased to state:

(a) whether State officials of Manipur who were in the service of the State Government prior to the accession of the State to the Union of India are still getting their pay at the same scale as they used to get before accession of the State to the Union of India;

(b) whether it is a fact that these officials will be paid at the Assam Service pay scales; and

(c) if so, from when it will come into effect?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) The question of revising the scales of pay with reference to the scales of pay attached to posts of corresponding status and responsibility under the Assam Government is under consideration.

(c) The revised scales of pay will be admissible with retrospective effect from the 1st April, 1950 to those officials who are retained in service in the reorganised set-up after proper screening.

AGRICULTURAL CREDIT FACILITIES

*1988. **Shri M. L. Dwivedi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the steps taken by the Government of India in connection with Agricultural Credit facilities;

(b) the number of Committees constituted, meetings held by each with the results of their deliberations and implementation of recommendations of each one of them, if any, in connection with "long term agricultural credits";

(c) whether there are any special facilities in existence or in contemplation to be given in this connection; and

(d) if so, what are they?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The State Governments are primarily concerned with the subject. Action has generally been taken in two main directions, namely—regulation of moneylending by legislation and increasing supply of credit. The development of co-operative societies is being encouraged by giving grants, subsidies, low-interest loans and also by the guaranteeing of debentures issued by Central Land Mortgage Banks. The Reserve Bank of India is helping in the matter by advancing loans to Co-operative Banks at concessional rates of interest and by purchasing certain portion of such debentures of Central Land Mortgage Banks as are guaranteed by State Governments. The States are also advancing loans under Land Improvement Loans Act, 1883, and Agriculturists Loans Act 1884. The Central Government is augmenting the supply of agricultural credit by advancing money to State Governments, for disbursement as loans, subsidies and grants under G.M.F. programmes.

(b) Since 1944, four central official bodies have given consideration to the problem of long-term credit. Information regarding the number of meetings held by them is not readily available. The main recommendations concerning long term credit are given below:

(i) The Agricultural Finance Sub-Committee (1944) suggested that where Co-operative Land Mortgage Banks are well developed, they may continue to supply long-term credit: elsewhere Agricultural Credit Corporations should supply long-term credit.

(ii) The Famine Enquiry Commission (1945) suggested that Land Mortgage Banks should be developed for supplying long-term credit not only for redemption of old debts but also for land improvement and better farming.

(iii) The Co-operative Planning Committee (1945) emphasised the expansion of Co-operative movement as a solution of the problem.

(iv) The Rural Banking Enquiry Committee 1950, did not favour establishment of Agricultural Credit Corporations and described Land Mortgage agencies as the 'most appropriate' for long-term credit.

Besides the above, Committees set up by various State Governments have also generally recommended the promotion of Land Mortgage Banks. The State Governments are aware of these recommendations and keep them in view while framing their policies in the matter.

(c) and (d). Yes, the Reserve Bank of India has started purchasing up to 20 per cent. of such debenture issues of the Central Land Mortgage Banks as are guaranteed by State Governments. It has also recognised such debentures as eligible securities for the purpose of accommodation under Section 17(4)(a) of the Reserve Bank of India Act.

ASSIGNMENT PLAN

*1989. **Shri M. L. Dwivedi:** Will the Minister of **Communications** be pleased to state:

(a) whether the assignment plan indicating the actual wave length given to each country in pursuance of the suggestion of the Indian delegation to the Extraordinary Administrative Radio Conference held in Geneva between August and December, 1951, has been drawn up and submitted to the countries of the world for their approval and acceptance;

(b) if so, whether Government will place on the Table of the House a copy of the assignment plan, the proposal for which was accepted at the said Conference; and

(c) the progress made so far in this connection?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No assignment plan was drawn up by the India Delegation for submission to the Extraordinary Administrative Radio Conference at Geneva; only a proposal indicating the general principles for the equitable distribution of frequencies was made, but it did not find favour with the other countries.

(b) Does not arise.

(c) Does not arise.

SCHEDULED TRIBES

*1990. **Shri R. B. Parmar:** Will the Minister of **Home Affairs** be pleased to state how much grant-in-aid has been sanctioned by the Central Government for each Part 'C' State for the Scheduled Tribes and the Scheduled Areas?

The Minister of Home Affairs and States (Dr. Katju): The question of giving grants-in-aid does not arise so far as Part C States are concerned. A provision of Rs. 15 lakhs has been made in the Central budget for the Current year and it is proposed to distribute it as follows:

Manipur	5 lakhs
Vindhya Pradesh	3 lakhs
Tripura	2½ lakhs
Ajmer	2 lakhs
Bhopal	2 lakhs

and small sums for the other States. It may be possible to raise the total grant to 24 lakhs in which case appropriate increases will be made in the sums allotted to different States.

QUARTERS FOR POSTAL EMPLOYEES

*1991. **Shri Sanganna:** Will the Minister of **Communications** be pleased to state:

(a) whether the staff other than the Post Masters and signallers of the Posts and Telegraphs Department have been provided with government quarters in every State;

(b) if so, whether standard rent or nominal rent is recovered from the occupants; and

(c) what is the aggregate receipt of rent due on such residences per annum?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, but, it is only lately that Government have started building quarters for those classes of staff who are not entitled to residential accommodation being provided by Government as a condition of their service. The number of quarters constructed upto now is therefore not much.

(b) Rent is recoverable at 10 per cent. of the emoluments of the occupier or the standard rent, whichever is less.

(c) Rs. 3,35,133 approximately.

INDIAN-OWNED SHIPS (EARNINGS)

*1992. **Shri Bansal:** Will the Minister of **Transport** be pleased to state:

(a) the total earnings made by Indian-owned ships in the years 1948—1951 by plying in international waters; and

(b) what steps are Government taking to increase the earnings of foreign exchange by Indian-owned ships?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) A statement showing earnings of Indian Shipping Companies is laid on the Table of the House. [*See* Appendix IX, annexure No. 37.]

Information regarding earnings of Indian-owned ships and Indian chartered ships is not available separately.

(b) Increased earnings of foreign exchange can be achieved only when substantial additions to the Indian-owned tonnage become possible to enable increased participation of Indian shipping in the various overseas trades. Shipping is in the private sector and the initiative for acquisition of additional tonnage for the development of overseas trades primarily rests with the Indian shipping companies. Government have, however, taken and are taking active steps to assist in this process. Some of the steps taken in this direction are (i) supporting Indian shipping companies in their negotiations with foreign shipping interests to secure membership of "Shipping Conferences" controlling the overseas trades and to increase their shares in those trades. (ii) setting up a Shipping Corporation on a state-*cum*-private ownership basis, with capital largely financed by Government, for acquiring ships and operating them in selected overseas routes. (iii) ensuring by means of necessary provisions included in the Trade Treaties with other countries or otherwise that Indian shipping companies operating in the overseas trades get their fair share of cargoes, (iv) making available loans to Indian shipping companies for purchase of ships from abroad on reasonable terms and (v) assisting them in the acquisition of tonnage by furnishing information regarding availabilities and arranging liberal release of foreign exchange.

Appellate Authority

***1993. Shri Muniswamy:** Will the Minister of **Home Affairs** be pleased to state whether it is a fact that in the case of awarding punishments, the Appellate authority has been empowered to issue directions to the initial punishing authorities before awarding punishments?

The Minister of Home Affairs and States (Dr. Katju): The question is not clear. So far as I can understand it the answer is in the negative.

Ford Foundation Scheme

***1994. Shri C. N. P. Sinha:** Will the Minister of **Food and Agriculture** be pleased to state what steps Government propose to take to publicise the activities of the Ford Foundation Scheme in rural areas?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): The State Governments will give suitable publicity. Measures to improve agricultural publicity on a country-wide basis are under the consideration of the Indian Council of Agricultural Research.

चांदा - कोरबा रेलवे लाइन

*१९९५. सरदार ए० एस० सहगल : क्या रेल मन्त्री यह बतलाने की कृपा करेंगे कि :

(क) क्या यह सच है कि बिलासपुर जिले (मध्य प्रदेश) में स्थित चांदा से कोरबा तक लाइन बिछाने के लिये परिमाप कार्य प्रारम्भ हुआ था ;

(ख) यदि हां, तो इसका क्या हुआ ;

(ग) क्या परिमाप कार्य पूरा हो चुका है ;

(घ) यदि हो चुका है, तो रेल लाइन बिछाने का काम सरकार कब आरम्भ करना चाहती है और इसके पूरे होने में कितना समय लगेगा ;

(ङ) परिमाप-कार्य पर अब तक किया गया व्यय ; तथा

(च) रेलवे लाइन बिछाने में कितना व्यय होगा ?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Survey was carried out for a railway line between Champa and Korba.

(b) and (c). The Survey work has been completed.

(d) It has been decided by the Central Board of Transport that the Champa-Korba Project should be taken up during 1954-55 and 1955-56 subject to the condition that the construction of this line keeps pace with the development of coalfieds at Korba.

(e) Approximately Rs. 61,133.

(f) The estimated cost of construction of the line is Rs. 88·2 lakhs.

"GROW MORE FOOD" ENQUIRY COMMITTEE

***1996. Shri L. N. Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the findings and recommendations of the Enquiry Committee set up under the Chairmanship of Shri V. T. Krishnamachari to examine the working of the "Grow More Food" campaign; and

(b) the action that has been taken on that Report?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A copy of the report of the Enquiry Committee is placed on the Table of the House. The summary of findings and recommendations is at pp. 68-77. [*Copy placed in the Library. See No.* IV.L.3(87).]

(b) The report is under examination of the Government.

SCHEDULED CASTES CANDIDATES

***1997. Shri B. S. Murthy:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any posts advertised for the Scheduled Castes candidates during 1950-51 and 1951-52 were not filled in for want of suitable candidates; and

(b) whether any posts reserved for Scheduled Castes have been given to non-Scheduled Castes for lack of suitable Scheduled Castes candidates?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Yes.

CATTLE MORTALITY

***1998. Shri Ganpati Ram:** Will the Minister of **Food and Agriculture** be pleased to state the total number and percentage of cattle mortality in India in 1950-51 and 1951-52?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Figures of total mortality of cattle in India during the years 1950 to 1952 are not available. Figures of mortality of cattle due to major contagious diseases in some of the States are available. A statement showing these is placed on the Table of the House.

Mortality in regard to these reported cases is less than 1 per cent. of the cattle population.

STATEMENT

Year	Name of the Disease							
	Rinderpest	Haemorrhagic Septacaemia	Black quarter	Anthrax	Surra	Foot and Mouth	Pleuropneumonia	Total
1950-51	27,363	33,116	14,976	4,896	636	1395	816	83,198
1951-52	31,338	35,109	20,817	4,631	699	2108	379	95,081

NOTE :—The above figures pertain to all States except Vindhya Pradesh, Kutch, Bilaspur, Tripura, and Manipur.

GOPIGANJ-JAUNPUR RAILWAY LINE

***1999. Shri Ganpati Ram:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the construction of a new railway line from Gopiganj to Jaunpur is under consideration;

(b) if so, what important towns and villages this line will link and when the survey of land for the purpose is expected to be undertakan; and

(c) whether the work will commence within this year or in the next financial year?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The reply is in the negative.

(b) and (c). Do not arise.

RAILWAY WORKSHOP AT JAGADHRI

*2000. **Shri Kazmi:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are constructing a workshop at Jagadhri for Railways;

(b) whether the said workshop is for the construction of new carriages or for repairs; and

(c) whether it is only for the broad gauge, or for metre gauge and narrow gauge as well?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes.

(b) For repairs to Coaching and Goods Stock.

(c) For Broad Gauge only.

DELHI-SAHARANPUR RAILWAY LINE

*2001. **Shri Kazmi:** Will the Minister of **Railways** be pleased to state:

(a) whether Government propose to construct a double line between Delhi and Saharanpur; and

(b) if the answer to part (a) above be in the affirmative, the conclusions of Government in that regard?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (b). There is double line already between Delhi and Ghaziabad. The section between Ghaziabad and Saharanpur is single line, but as it has spare capacity, the need for doubling it has not been felt.

AERODROMES IN SOUTH INDIA

*2002. **Shri Achuthan:** Will the Minister of **Communications** be pleased to state:

(a) how many aerodromes are going to be constructed in South India in 1952-53 for air service expansion;

(b) whether Kozhicode (Calicut) has been included in the scheme; and

(c) if not, can Kozhicode expect an aerodrome in the coming 3 years?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) One, namely the aerodrome which is being constructed at Mangalore and which is expected to be ready for use by the end of this year.

(b) No.

(c) It is regretted that no indication can be given at present.

FOOD SITUATION IN MADRAS

*2003. **Shri A. K. Gopalan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have been keeping in touch with the latest developments in the food situation in the Madras State after the decontrol;

(b) whether food prices in that State have shown a recent tendency to rise and if so, what have been the rates of increase?

(c) whether lowering of food prices is taking place in the surplus districts of the various towns of the State; and

(d) whether the Government of India is revising its policy of decontrol in the light of recent experience in the Madras State?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) and (c). Prices are fluctuating, rising in some places and falling in others.

(d) The question does not arise. The Government's policy continues to be one of control although in the case of some States certain relaxations have been allowed.

CENTRAL COUNCIL OF HEALTH

*2004. **Shri Jhulan Sinha:** Will the Minister of **Health** be pleased to state:

(a) whether there is any proposal for establishment of a Central Council of Health with a view to coordinate and develop measures for the improvement of public health in India; and

(b) if so, the progress made in the direction of implementation of the proposal?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) The matter has been under active consideration and orders are expected to be issued shortly.

BARWADIAH-CHIRMIRI RAILWAY PROJECT

*2005. **Sardar A. S. Saigal:** Will the Minister of **Railways** be pleased to refer to reply given to part (c) of my starred question No. 261 asked on the 28th May, 1952 and state:

(a) how much amount has been spent for the earth work for Barwadiah

Sarmadih Section etc. of the Barwadiah-Chirmiri Project; and

(b) why the work was suspended in 1950?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Rs. 70·27 lakhs approximately.

(b) Work on Barwadah-Sarmadih construction was suspended in 1950 mainly on account of the difficult "ways and means" position of the Government of India. The project, however, is due for review in October this year.

RANGIA-RANGARPARA RAILWAY LINE (WAGONS)

*2006. **Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that there is inadequate supply of bogies and wagons in Rangia-Rangarpara branch of the North Eastern Railway; and

(b) whether Government are contemplating any step and if so, what?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (b). It has not come to Government's notice that there is inadequate supply of wagons in Rangia-Rangarpara branch of the North Eastern Railway. The North Eastern Railway Administration has been asked to furnish full information which will be placed on the Table of the House as soon as it is received.

FOREIGN MISSIONARIES

*2007. **Shri K. C. Sodhia:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number and names of foreign missionary societies on their recognised list;

(b) where these are working; and

(c) in what activities they are generally engaged?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). A statement giving the information asked for is laid on the Table of the House. [*See* Appendix IX, annexure No. 38.]

(c) Educational, medical, evangelical, philanthropic, and social welfare.

MOBILE POST OFFICES

*2008. **Shri Muniswamy:** Will the Minister of **Communications** be pleased to state:

(a) whether there is any scheme under consideration to introduce mobile post office system in villages; and

(b) if so, when it will be started and in what parts of India?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The possibility of experimenting once again with such a service is under examination.

(b) The stage for taking a decision on these points has not yet been reached.

C.A.T.C. ALLAHABAD

*2009. **Shri P. R. Rao:** Will the Minister of **Communications** be pleased to state:

(a) the number of air-crafts and link trainers available at C.A.T.C., Allahabad and their cost and annual maintenance charges;

(b) the number of pilots trained by them since its inception;

(c) how many foreign national pilots are working in India;

(d) whether there is any proposal to replace them; and

(e) whether Government have any proposal to give some of the C.A.T.C. equipment, such as link trainers, for flying clubs and air-lines?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 26 aircraft and 4 link trainers. Their cost was about Rs. 40,50,600. Expenditure on their maintenance during 1951-52 was Rs. 2,02,400.

(b) 47.

(c) 41.

(d) There is no such proposal, but the foreign pilots will no doubt be replaced by Indian pilots when these acquire sufficient experience.

(e) A proposal for sale of some link trainers to air companies is under consideration.

संतरे के व्यापारियों के लिये रेल के डिब्बों की कमी

*२०१० श्री चण्डक: रैल मन्त्री यह बतलाने की कृपा करेंगे कि क्या सरकार को सैंट्रल रेलवे पर स्थित कलमेश्वर, कोहली, काटोल, कलंभा, नरखेड़ तथा पांढूर्ना स्थानों के संतरा-व्यापारियों और उत्पादकों की

ओर से समय पर और आवश्यकता के अनुसार रेल के डिब्बे न मिलने के बारे में कोई अभ्यावेदन मिले हैं, और यदि मिले हैं, तो सरकार न इस सम्बन्ध में पग उठाये हैं, या उठाने जा रही है ?

The Minister of Railways and Transport (Shri L. B. Shastri): Yes. A number of representations on these lines were received. The Central Railway in consultation with the Orange Merchants and Growers and the Madhya Pradesh Government arranged to provide the maximum feasible transport for this traffic by making some horse boxes and other stock specially fit to carry this traffic by passenger trains. During this year's '*Mrig*' season 3593 wagons were loaded with oranges from the areas mentioned as against an average of 2452 during the corresponding seasons for the last 6 years, the increase amounting to 46.4 per cent.

अनुसूचित जनजातियों के लिए अनुदान

*२०११. **सरदार ए० एस० सहगल:** क्या गृह-कार्य मंत्री यह बतलाने की कृपा करेंगे :

(क) भारत सरकार द्वारा मध्य-प्रदेश सरकार को वहां की अनुसूचित जन जातियों के लिए दिये जाने वाले वार्षिक अनुदान ; तथा

(ख) क्या मध्य प्रदेश सरकार भारत सरकार को व्यय के वार्षिक या छमाही विवरण भेजती है ?

The Minister of Home Affairs and States (Dr. Katju): (a) There is no fixed annual grant. The amount is determined every year on the basis of the total budget provision and the needs and resources of different State Governments. The grant sanctioned last year to Madhya Pradesh was Rs. 12 lakhs, while it is proposed to allow a grant of Rs, 17 lakhs during the current year.

(b) State Governments have been asked to submit a statement of expenditure annually.

Bhusaval-Nandurbar Shuttle Service

*2012. **Shri Pataskar:** Will the Minister of **Railways** be pleased to state:

(a) whether there was a shuttle train service between Bhusaval and Nandurbar on the former B.B. & C.I. Railway prior to 1942;

(b) whether the same was discontinued owing to disturbances on that line in 1952;

(c) whether the same has not yet been restored although normal conditions have long since been restored; and

(d) whether the question of restoring this service is under consideration?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) to (d). A statement indicating the position in respect of the passenger carrying train services on the Bhusaval-Nandurbar Section is laid on the Table of the House. [*See* Appendix IX, annexure No. 39.]

Delhi-Ahmedabad National Highway

*2013. **Shri Balwant Sinha Mehta:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that Road leading from Delhi to Ahmedabad *via* Jaipur and Udaipur has been declared National Highway;

(b) what parts and how many miles on it have been completed and which parts and how many miles remain to be completed;

(c) when it is expected to be completed wholly;

(d) whether it is a fact that some tax is levied on Udaipur Kherwara section on travellers; and

(e) if so, how much one has to pay and on how many miles?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes, Sir.

(b) About 500 miles from Delhi to Kherwara are in existence and about 100 miles from Kherwara to Ahmedabad are yet to be completed.

(c) In about six years time.

(d) and (e). Government have no information at present but are making enquiries.

DESPATCH OF RICE FROM BURMA

*2014. **Shri Achuthan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Burma Mission has anything to do with the purchase and despatch of rice from Burma to our country;

(b) who does the above work now and on what commission basis; and

(c) what is the commission amount paid on this account from 1st October, 1951 to 1st April, 1952?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) If the reference is to the 'Indian Embassy in Burma', the answer is in the affirmative.

(b) The purchases of rice are normally negotiated by the Ambassador. The despatches are supervised by the Food Attache posted there. The actual handling or despatch of the rice is done by a group of Indian merchants who are paid a commission of annas 12 per net ton of rice shipped.

(c) Rs. 143,815.

SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES

*2015. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether there are any classes of citizens in India (other than the Scheduled Castes and the Scheduled Tribes) who are socially and educationally backward;

(b) if the answer to part (a) above be in the affirmative, what are their names and in which part or parts of the Country they reside;

(c) whether Government have taken any steps for the advancement of these classes; and

(d) whether Government have given or propose to give any grant to the State Governments for the advancement of these classes?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Attention is invited to the reply given to Shri Achuthan's Starred Question No. 1734 on the 14th July 1952.

(c) and (d). It is primarily the responsibility of State Governments to take steps for the advancement of Backward classes.

NATIONAL BUREAU

*2016. **Shrimati Jayashri:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a resolution was passed recently at the meeting of the Inspector-Generals of Prisons that there should be a National Bureau for the administration of Correctional Institutions; and

(b) what steps Government propose to take for implementing this resolution?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) The views of the State Governments on this recommendation—as well as on others—have been invited.

AURANGABAD-PURLIVAIJNATH RAILWAY LINE

*2017. **Shri H. G. Vaishnav:** Will the Minister of **Railways** be pleased to state:

(a) whether the scheme of the previous Hyderabad Government to construct a Railway line connecting Aurangabad Deccan and Purlivaijnath (*via* Paithan, Bhir, Mominabad) is still under consideration; and

(b) if the answer to part (a) above be in the affirmative, when is the work going to be taken up?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The reply is in the negative.

(b) Does not arise.

CENTRAL RESERVE POLICE

*2019. **Shri A. K. Gopalan:** Will the Minister of **States** be pleased to state:

(a) whether it is a fact that the Central Reserve Police has been requisitioned by the Rajasthan Government to fight dacoit gangs in the State: and

(b) how successful have the efforts of the Central Reserve Force been?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). Two Companies of the Central Reserve Police have been deputed for this purpose since May last. As a result of

their operations, two notorious dacoits have been killed and 19 captured. They also captured base headquarters of Kalyan Singh's gang at Kakkarwala Nadia in the Aravalli; in this operation a dacoit sentry was shot dead. Property captured included the rifle of the sentry, a large quantity of ammunition, the camels of the dacoit gang and considerable property looted in several dacoities. The Central Reserve Police has also been of help to the Superintendent of Police, Pali, (Jodhpur Division) in capturing a number of dacoits.

Commercial Staff

*2020. **Shri P. R. Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the joint Advisory Committee's recommendations regarding the posts for commercial staff has been accepted by Government;

(b) if so, to what extent these recommendations have been given effect to on the Northern Railway; and

(c) the total number of commercial staff posts upgraded according to the above recommendations and what percentage this works out on the total number of such staff?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Government have accepted the recommendations of the Joint Advisory Committee with the modification that instead of the number of posts in the lowest grade (Rs. 60—150) being limited to 72½ to 75 per cent. of the total number of posts, the percentage adopted is 85.

(b) The accepted recommendations of the Committee have been fully implemented on the ex-E.P. Rly. portion of the Northern Rly. but are in the process of implementation on the ex-B.B. & C.I. Railway and ex-E.I. Railway portions of that Railway In the case of the ex-Jodhpur Railway and the ex-Bikaner State Railway portions, the accepted recommendations were taken into account when the non-gazetted posts on the two ex-States Railways were equated to the Central Pay Commission scales of pay with effect from the 1st April 1950.

(c) On the ex-E.P. Railway portion, 307 posts have been upgraded and with this upgrading, the number of posts in the higher grades works up to 15 per cent. of the total number of posts.

Officers on Deputation

*2021. **Pandit C. N. Malviya:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have restarted the system according to which officers deputed from States to the Centre have to return to their respective Governments after completion of a tenure period; and

(b) if so, how many such officers were deputed from respective States to Centre in 1950-51 and 1951-52?

The Minister of Home Affairs and States (Dr. Katju): (a) The "tenure" system of manning the administrative posts in the Government of India was never formally given up, though officers had in several cases to be kept on beyond their normal tenure. It has always been recognised that they should be returned as soon as suitable replacements become available. The Indian Civil Administrative (Central) Cadre Scheme provides for a certain proportion of the officers to be retained on a "quasi-permanent" basis and the tenure system to be enforced strictly in regard to the rest. When the Scheme is implemented the tenure system is expected to be fully restored.

(b) A statement containing the information is laid on the Table. [*See* Appendix IX, annexure No. 40.]

Indian National Railway Workers' Federation

*2022. **Shri K. Subrahmanyam:** Will the Minister of **Railways** be pleased to state:

(a) whether any inquiry has been held into the representative character of the affiliated units of the Indian National Railway Workers' Federation, before it was accorded recognition; and

(b) if the answer to part (a) above be in the negative, whether such an inquiry will be held now?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (b). It was not considered necessary to institute any special enquiry in this regard, but the Railway Board have satisfied themselves from such material as is available to them that the Indian National Railway Workers Federation is sufficiently representative to justify their having dealings with the Board. In the circumstances, Government do not propose to make any further enquiry.

PROTEST STRIKE BY RAILWAY WORKERS OF MADRAS

*2023. **Shri Nambiar:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that 6000 Railway workers of Madras had gone on a six-hour protest strike on 3rd July, 1952 and if so, why;

(b) whether it is a fact that the price of rice sold in Railway Grainshops has been increased from Rs. 0-11-9 per measure to Rs. 1-3-4 per measure from July 1952 and if so, why;

(c) whether Government are aware that this rise in price has created much discontent among the Railwaymen; and

(d) what steps Government are taking to distribute rice and essential foodstuff to the Railwaymen at fair price in view of the exhorbitant rise in prices?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) to (c). Yes. With the withdrawal of rationing, the non-concessional cardholders registered in Railway grainshops have under the rules to be charged prices which will cover the purchase price plus proportionate overheads. The proposal to raise the price of rice in accordance with this formula resulted in a strike of short duration by some of the staff in areas round Madras on 3rd July, 1952.

(d) It has been decided for the present to continue sale of grains from Railway grainshops to non-concessional cardholders in the same quantities and at the same price as available in Government Fair Price shops. Government are not aware of any exhorbitant rise in prices.

TELEPHONE CONNECTION FOR RAYAGADA TOWN

470. Shri Sanganna: (a) Will the Minister of **Communications** be pleased to state the number of Stations in the State of Orissa that have been connected by trunk telephone with other parts of the Indian Union?

(b) Is it a fact that some important industrial and commercial centres in the State of Orissa are unconnected by trunk telephone?

(c) Is it a fact that Parvatipuram, a town (Chicacole District) in the State of Madras has been connected by trunk phone?

(d) What will be the initial outlay for connecting Parvatipuram with Rayagada—a distance of only 30 miles—by trunk telephone?

(e) Are there any proposals in hand of the Government to provide all such important centres in the country with trunk telephone?

(f) If so, what is the probable date of putting them into operation?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 17.

(b) The P. and T. Department has extended telephone facility to those important places in Orissa where the anticipated trunk traffic is sufficient to cover the expenditure incurred in providing the facility. The trunk telephone facilities to other important towns in Orissa will be extended provided the State Government, Chamber of Commerce or some private individual accepts the rent and guarantees the Department against any possible loss. So far no such guarantee has been offered.

(c) Yes.

(d) The initial cost of connecting Parvatipuram with Rayagada by a pair of copper wires would be about Rs. 40,400.

(e) and (f). Yes. In the Five Year Plan commencing from the 1st April, 1951, the Department has planned to open as a rule telephone exchanges at all places in India where the population is over 30,000 and Public Call Offices at all places where the population is more than 20,000.

सगवाड़ा डाक तथा तार घर

४७१. श्री भीखा भाई: क्या **संचरण** मंत्री यह बतलाने की कृपा करेंगे कि:

(क) क्या यह सच है कि राजस्थान के सगवाड़ा डाक तथा तार घर से भेजी जाने वाली डाक गढ़ी डाक तथा तारघर तक एक सप्ताह में पहुंचती है, यद्यपि उनकी दूरी केवल दस मील है;

(ख) यदि उपर्युक्त भाग (क) का उत्तर स्वीकारात्मक हो, तो उसके कारण; तथा

(ग) क्या सरकार द्वारा इस वस्तु-स्थिति को सुधारने के लिये कुछ कार्यवाही की जा रही है ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). There is an unbridged river between Sagwara and Garhi. The mails from Sagwara were being routed *via* Udaipur, Chitorgarh, Ratlam and Dohad, and were being delivered at Garhi on the fifth day. As a result of the introduction of a ferry service across the river from 1st July, 1952, mails are being delivered on the next day.

CEREALS

472. Shri K. P. Tripathi: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the quantity of cereals supplied to managements of tea industry in 1951 from imported sources (State wise);

(b) whether the cereal so supplied was subsidised; and

(c) if so, the amount involved (State wise)?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The quantity of foodgrains supplied to the tea gardens in Assam and West Bengal from imported sources during 1951 were:

Assam—64,352 tons.

West Bengal—53,182 tons.

(b) No, Sir.

(c) Does not arise.

LOTTERY FORMS AND CIRCULARS

473. Shri V. G. Deshpande: Will the Minister of **Communications** be pleased to state:

(a) whether Rule No. 153 of the Indian Posts and Telegraphs Manual Volume V, (read with Clause No. 96 of the Posts and Telegraphs Guide) is applicable to the lottery forms and other circulars relating to lotteries being circulated by post throughout India; and

(b) if so, what steps have been taken by the postal authorities to enforce this rule?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) Whenever any infringement of the rule is detected, the article is returned to the sender, as prescribed in the rules.

TELEPHONE OPERATORS

474. Shri M. Islamuddin: Will the Minister of **Communications** be pleased to state:

(a) the number and location of Training Centres for training telephone operators;

(b) the number of trainees each year in each of these Centres during last three years; and

(c) the period of training?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 41.]

PUBLIC CALL OFFICE

475. Shri K. S. Gounder: Will the Minister of **Communications** be pleased to state:

(a) what are the general requirements for opening of a new Public Call Office in Telegraph Office in rural area; and

(b) whether there are proposals or possibilities of opening new Public Call Offices in the towns of Theni, Periyakulam, Bodinayakanur, Cumbum, Chinnamanur and Usilampatti in Madurai District, Madras State?

The Deputy Minister of Communications (Shri Raj Bahadur). (a) It is the policy of the Department to open a Public Call Office at each place where the population is more than 20,000 subject to the availability of funds and the project being remunerative.

(b) It is proposed to open Public Call Offices at Theni and Bodinayakanur and an exchange at Periakulam during the current financial year. The proposal to open a Public Call Office at Usilampatti is under examination.

Regarding Cumbum and Chinnamanur, the demand for telephone facilities from these places is not appreciable and it is anticipated that the Department would suffer heavy loss if Public Call Offices were opened there. So it is not proposed to include them in the Department's programme for opening public call offices unless the State Government or private parties offer guarantees against the anticipated losses.

AGE FOR RETIREMENT

476. Shri B. B. Varma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether formerly the age for retirement of the staff of the Ministerial service was fixed at 55 but it is now fixed at 60;

(b) if so, since when the age of retirement has been fixed at 60 and on what grounds;

(c) whether it is a fact that the question of refixing the age of retirement at 55 has been under consideration of Government for sometime past, and

(d) if so, what is the present position of the case and when a decision will be taken in the matter?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The matter is governed by the provisions of Rule 56(b) of the Fundamental Rules which run as follows:

"F.R. 56. (b) (i) A ministerial servant who is not governed by sub-clause (ii) may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government.

"(ii) A Ministerial servant—

(1) who enters Government service on the 31st March or after the 1st April 1938, or

(2) who being in Government service on the 31st March 1938 did not hold a lien or a suspended lien on a permanent post on that date,

shall ordinarily be required to retire at the age of 55 years. He must not be retained after that age except on public grounds which must be recorded in writing, and with the sanction of the Local Government he must not be retained after the age of 60 years except in very special circumstances."

The original position was as in sub-clause (i). The addition of sub-clause (ii) was made in 1938.

There are similar provisions in the Civil Service Regulations which apply to certain classes of Government servants.

(c) and (d). Do no arise.

मध्य प्रदेश में डाक घर

४७७. **श्री जांगड़े:** क्या संचरण मंत्री यह बतलाने की कृपा करेंगे :

(क) मध्य प्रदेश के बस्तर रायगढ़ और सरगुजा जिलों में डाकघरों की कुल संख्या और साथ ही सन् १९४८ के बाद खोले गये नये डाकघरों की संख्या,

(ख) इन जिलों में प्रत्येक में कितनी जनसंख्या के लिये एक डाकघर है, तथा

(ग) क्या यह सच है कि सरगुजा जिले में सभी डाकघर पूर्व से पश्चिम जाने वाली एकमात्र सड़क पर स्थित हैं और उत्तर दक्षिण की ओर पचास पचास, साठ साठ मील तक कोई डाकघर नहीं है ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). A statement containing the required information is placed on the Table of the House. [*See* Appendix IX, annexure No. 42.]

(c) The Post Offices in Sarguja District mainly run in the East-West direction, as do the means of communication, but the Ramanuganj, Ambikapur, Sitapur and Pratapgarh Post Offices lie on the Ramanuganj-Ambikapur-Dharamjanggarh Road which runs in the North-South direction.

छत्तीस गढ़ में तारघर

४७८. **श्री जांगड़े:** (क) क्या संचरण मंत्री यह बतलाने की कृपा करेंगे कि छत्तीसगढ़ (मध्य प्रदेश) में १९४७ से १९५२ वर्षों तक कितने मीलों तक तार (टेलीग्राफ़) के तार बिछाये गये, और किन किन स्थानों पर तारघर खोले गये ?

(ख) छत्तीसगढ़ में किन स्थानों पर "अपने टेलीफ़ोन का स्वामित्व प्राप्त करो" योजना के आधीन नये टेलीफ़ोन ऐक्सचेंज या सार्वजनिक टेलीफ़ोन केन्द्र खोले गये या खुलने वाले हैं ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 43.]

DESPATCH OF ORES FROM BARAJAMDA AREA

479. Shri Deogam: Will the Minister **of Railways** be pleased to state:

(a) whether it is a fact that indents for despatch of ores from Barajamda area to Calcutta port for export of the Eastern Railway (formerly B. N. Ry.) are not met in full;

(b) if not, why not;

(c) whether it is a fact that two rakes a day are given for ore despatches for export in Barajamda area and the same are distributed among all exporters on *pro rata* basis to the releasing capacities of the consignees;

(d) whether the procedure was working satisfactorily; and

(e) if any deviation was made from this procedure when supplies of more than two rakes were made, was the change of procedure announced in press?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes.

(b) The indents for despatch of ores, from Barajamda area to Calcutta Port for export exceed not only the loading capacity of the siding but also the share of the limited line capacity of the Raj Kharasawan—Gua Branch that can be made available for this traffic consistent with the concurrent movement of ore traffic to iron and steel industries and other essential traffic from this Branch. On occasions the wagon supply also falls short of the maximum limited line capacity, due to the overall requirements of traffic to be met on the Indian Railways.

(c) Yes, the normal procedure is to allot wagons for the movement of ore to Calcutta Docks to the various consignors *prograta* on the basis of their respective capacities for releasing the wagons at the Calcutta Docks. The disposition of these capacities is intimated by the Port authorities to the Eastern Railway from time to time.

(d) This procedure has worked satisfactorily.

(e) Yes. When capacity for an extra train became available for movement of this traffic, it was exclusively allotted to M/s. Bird & Co. and Tata Iron and Steel Co., because only these two firms had assisted sidings of their own with adequate capacity for loading block train rakes at a time which was one of the essential conditions prescribed by the Ministry of Commerce and Industry for allotment of this train. The change in the procedure of allotment, which was of a temporary nature, was not announced in the press.

P. & T. DEPARTMENT (LOSS)

480. Shri N. P. Sinha: Will the Minister of **Communications** be pleased to state the amount of loss suffered by the Indian Post and Telegraph Department in 1951-52 under each of the following heads:—

(i) Non-payment of Trunk Calls by the subscribers;

(ii) Compensation paid to the public for loss of Insured Articles and Money Orders;

(iii) Subsidising village post offices which are not self supporting;

(iv) Misappropriation of funds by postal employees; and

(v) Writing off of irrecoverable amounts?

The Deputy Minister of Communications (Shri Raj Bahadur): (i) Rs. 11,185/12/-.

(ii) Rs. 3,26,289.

(iii) Rs. 19,62,770.

(iv) Rs. 1,09,600.

(v) Rs. 23,769.

MENTAL HOMES

481. Dr. Ram Subhag Singh: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Dr. Mayer Gross a W.H.O. expert has recently made a three-month survey of mental homes in India;

(b) if so, whether he has submitted his survey report; and

(c) if the answer to part (b) above be in the affirmative, what are the essential features of his Report?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). Yes.

(c) A note indicating the essential features of Dr. Mayer Gross's report is placed on the Table of the House. [*See* Appendix IX, annexure No. 44.]

RURAL POST OFFICES

482. Shri Jasani: Will the Minister of **Communications** be pleased to state:

(a) how many and in what States the Rural Post Offices in the villages or group of villages with the population of two thousand and above were opened during 1949-50, 1950-51, and 1951-52;

(b) the total expenditure (year-wise) incurred by Postal Department to run these post offices; and

(c) the net loss or profit sustained or gained on the working of these post offices during this period?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A statement containing the required information is attached. [*See* Appendix IX, annexure No. 45.]

(b) *Expenditure*:

1949-50—Rs. 8,00,395.

1950-51—Rs. 22,42,052.

1951-52—Rs. 38,85,472.

(c) *Loss*:

1949-50—Rs. 2,89,997.

1950-51—Rs. 9,14,047.

1951-52—Rs. 11,15,512.

KALIGHAT-FALTA RAILWAY

483. Shri K. K. Basu: Will the Minister of **Railways** be pleased to state:

(a) the terms of license of the running of Kalighat-Falta Railway;

(b) whether any subsidy is paid to such Railways; and

(c) if so, on what terms?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The main provisions of the contract for the construction and working of the Kalighat-Falta Railway are as follows:

(i) Land is provided by Government free of cost to the Company.

(ii) The Rates and Fares charged on this Railway are such as are sanctioned by Government.

(iii) When the net receipts of the Company in any year exceed 5 per cent. on the paid up share capital, the excess is divisible in equal proportion between Government and the Company but when in any year the net receipts do not exceed 5 per cent. on the paid up share capital the whole of the net earnings belong to the Company. If, however, the net receipts are not sufficient to pay interest at the rate of 3¼ per cent. per annum on the paid up share capital, Government pays to the Company a sum which together with the net receipts will make up an amount equal to 3¼ per cent.

(iv) Government can take over the Railway either on certain specified dates or on fulfilment of certain conditions as laid down in the contract.

(b) and (c). Yes. In accordance with the terms already stated.

TELEPHONE LINE TO RAYAGADA

484. Shri Sanganna: Will the Minister of **Communications** be pleased to state:

(a) whether there is a proposal to extend the trunk telephone line to Rayagada, a town in the district of Kosupat (Orissa); and

(b) if so, when?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) During 1953-54 if the project proves to be remunerative.

CO-OPERATIVE SOCIETIES

485. Shri Jasani: Will the Minister of **Railways** be pleased to state:

(a) how many Consumers Co-operative Societies there are of Railway Employees and at what places;

(b) the total membership and subscribed capital; and

(c) the total turnover of business done by these Societies during 1949-50, 1950-51 and 1951-52?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) There are 78 Co-operative Societies on the Railways in the following station:

Matunga, Khargpur (3), Adra, Chakardharpur, Nainpur, Titilaghar, Kantabanji, Waltair, Vizagapatam, Kurda Road, Cuttack, Bilaspur, Tamsar Road, Gondia, Itwari, Nagpur, Chitpur, Naihati, Kanchrapara, Lillooah, Jamalpur (2), Dinapur, Moghalsarai, Ondal, Asansol, Dhanbad, Gomoh, Delhi, Kalka, Jullundur Cantt., Allahabad, Harthala, Rosa, Bikaner Lucknow, Pandu, Lumding, Badarpur,

Dibrugarh Town, Alipore Duar and Bongaigon, Tambaram, Trichinopoly, Golden Rock, Ponmalai Patti, Villupuram, Podanur, Erode, Coonoor, Negapatam, Madura, Jalarpet, Hubli, Mysore, Dadar, Bulsar, Ajmer (2), Abu Road, Bandikui (2), Phulera (2), Rewari, Mhow, Ratlam, Neemuch, Dohad, Gangpur, Chittaranjan (6).

Note.—Each branch of a society has been counted as a separate society.

(b) The total membership of these societies is 39,630 and the total subscribed capital is Rs. 7,45,383.

(c) The total trunover of business done by these societies during 1949-50, 1950-51 and 1951-52 are Rs. 46,58,697, Rs. 48,82,957 and Rs. 54,74,465 respectively. The last figure does not include information regarding 3 societies which is not yet available.

TELEPHONE EXCHANGES

486. Dr. Ram Subhag Singh: Will the Minister of **Communications** be pleased to state:

(a) the number of telephone exchanges which are proposed to be expanded in the year 1952-53; and

(b) what would be the net increase in lines as a result of this expansion programme?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 57 existing exchanges to be expanded and 62 new exchanges to be opened.

(b) 12,880 lines due to expansion of existing exchanges and 7,120 lines due to opening of new exchanges.

FOOD CONTROLS

487. Shri Bansal: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the cost incurred by the Central Government in the administration of food controls; and

(b) the estimated saving by the Centre as a result of the modification of the food control policy?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

NATIONAL HIGHWAYS

488. Shri Ganpati Ram: Will the Minister of **Transport** be pleased to state:

(a) the total length of National Highways proposed to be constructed during the next five years in Uttar Pradesh and specially in Banaras and Gorakhpur Divisions; and

(b) the estimated cost per mile, and what would be the minimum cost per mile if bricks-gitti instead of stone pieces are given?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Three miles of entirely new construction in the Basti District of Gorakhpur Division.

About 310 miles are proposed to be improved or upgraded, of which 21 miles will be in Banaras Division and 16 miles in Gorakhpur Division.

(b) Rs. 64,000 per mile for the new construction mentioned above. These estimates are for the use of kankar metal. The difference in the cost of stone and brick metal varies with each locality depending in particular, on the distance from which the materials have to be brought.

COTTON CULTIVATION

489. Shri B. S. Murthy: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the acreage under cotton cultivation in Madras State during 1950-51 and 1951-52;

(b) the total quantity of cotton produced during the period; and

(c) the variety of cotton produced?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) to (c). Final estimate for 1951-52 has not yet been issued but a statement containing the available information is placed on the Table of the House. [*See* Appendix IX, annexure No. 46.]

KUTCH STATE EMPLOYEES

490. Shri Bhawanji: Will the Minister of **States** be pleased to state:

(a) the number of persons who retired or who have been made to retire on account of superannuation or inefficiency since the Administration of Kutch was taken over by the Centre;

(b) the number of persons who so retired and who are receiving pensions or who have been paid off the amounts of their gratuities;

(c) the number of persons to whom such pensions or the amounts of their gratuities have still not been paid since the time they have retired or have been made to retire;

(d) the reasons for the delay in not giving them their due pensions or the amount of their gratuities; and

(e) the basis on which such pensions or gratuities are given?

The Minister of Home Affairs and States (Dr. Katju): The information asked for is being collected and will be laid on the Table of the House in due course.

RAILWAY PROJECTS

491. Shri Madiah Gowda: Will the Minister of **Railways** be pleased to state at what stage the following Railway Projects are:—

(1) Bangalore-Hosur Railway line,

(2) Kadur-Chikkamagalur Railway line,

(3) Thalaguppa-Jog Railway line,

(4) Mysore-Mercara Railway line,

(5) Hassan-Mangalore Railway line, and

(6) Electrification of Bangalore-Mysore Railway?

The Minister of Railways and Transport (Shri L. B. Shastri): The position is as indicated below:

1. *Bangalore-Hosur Railway Line.*— The project was considered by the Central Board of Transport in July 1951 and it was decided that the question of ordering Traffic and Engineering surveys for the link should be postponed.

2. *Kadur-Chikkamagalur Railway Line.*—In view of the present financial and economic condition of the country, consideration of the proposal has been kept pending for the present.

3. *Thalaguppa-Jog Railway Line.*— There is no scheme to extend the railway line from Thalaguppa to Jog.

4. *Mysore-Mercara Railway Line.*— No such proposal has been under consideration.

5. *Hassan-Mangalore Railway Line.*— The project was considered by the Central Board of Transport in January 1950 and it was decided that it should be held over for the present.

6. *Electrification of Bangalore-Mysore Railway.*— No such scheme has so far been referred to the Railway Board for consideration.

POST OFFICE CASH CERTIFICATES

492. Sardar Hukam Singh: Will the Minister of **Communications** be pleased to state:

(a) whether any displaced persons from West Pakistan got their claims registered in the Punjab and Delhi Post Offices in respect of Post Office Cash Certificates purchased in Pakistan but subsequently lost during disturbances;

(b) if so, what is the value of such claims;

(c) whether these claims have been verified; and

(d) whether any declarations in lieu of lost certificates have been issued?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) (i) Yes.

(ii) No. of claims registered,

Delhi Circle		481
Punjab Circle		4,128
	Total	4,609

(b) Value of these claims Rs. 17,27,303.

(c) Out of the 4,609 claims, 566 have been verified.

(d) Yes. Declarations in lieu of the above mentioned lost cash certificates which have been verified, have been issued.

MOVEMENT OF FOODGRAINS

493. Shri K. C. Sodhia: Will the Minister of **Food and Agriculture** be pleased to state what was the total amount of demurrage charges paid to Railway on account of the movement of foodgrains during 1951-52?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Government of India have not paid any demurrage charges to Railways on account of movement of foodgrains during 1951-52. Information regarding such charges, if any, paid by State Governments is not available.

FOODGRAINS

494. Shri K. C. Sodhia: Will the Minister of **Food and Agriculture** be pleased to state:

(a) what was the quantity of foodgrains written off during 1951-52; and

(b) whether the quantity written off was all spoilt and unfit for human consumption?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) About 881 tons.

(b) No. Only 10 tons was unfit for any use. The balance of the quantity written off represented short landings from ships and losses in transit from the docks to the Central Government godowns.

TELEGRAPH OFFICE FOR RAKHABDEO

495. Shri Balwant Sinha Mehta: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that there is no Telegraph Office at Rakhabdeo, a place of pilgrimage in Rajasthan; and

(b) when Government propose to open a telegraph office there?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No. A telegraph office was opened at Rakhabdeo on the 3rd July, 1951, and it is working satisfactorily.

(b) Does not arise.

TOURISTS

496. Shri Balwant Sinha Mehta: Will the Minister of **Transport** be pleased to state:

(a) what expenses are annually incurred for maintaining tourist offices at Udaipur and Jaipur; and

(b) what facilities are provided and what are proposed to be extended in the near future to attract more tourist traffic?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The Government of India do not maintain any tourist offices at Jaipur and Udaipur. An officer of the Government of Rajasthan at Jaipur is acting as the Honorary Regional Tourist Officer of the Government of India, but no expenditure is being incurred on this account by the latter.

(b) The facilities provided by the Government include tourist information offices at Delhi, Bombay, Calcutta and Madras, tourist literature and guide services. In eight other States, certain officers of the State Government act as our Honorary Tourist Officers. In addition it is proposed to open small tourist information offices at Banaras and Agra. For the overseas visitors frontier formalities have been simplified and a Tourist Introduction Card which is issued to them ensures special assistance in respect of quick customs clearance, railway reservation and accommodation in dak bungalows.

CARDAMOM PLANTS

497. Shri K. S. Gounder: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether two Experimental Research Stations were started in South India in 1944 to study the possibility of producing resistant types of Cardamom plants and the effects of insecticides on thrips and other Cardamom-pests;

(b) what are the results and progress of study made, so far, in the Stations; and

(c) whether Government propose to extend the research scheme to some more years to produce useful results?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) Entomological investigations are over, control measures against cardamom thrips have been worked out and brought to the notice of planters. Breeding and Agronomic work is in progress.

(c) The present scheme is due to terminate on 31st March, 1954.

Ex-ARMY PERSONNEL

498. Babu Ramnarayan Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of civil suits by *Ex*-Army personnel filed in respect of their emoluments and wrong discharge against the state since 15th August, 1947; and

(b) the total number of suits referred to in part (a) above decreed by the first court in favour of the Plaintiffs?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

VISIT OF A PROFESSOR FROM COLUMBIA

499. Shri A. K. Gopalan: Will the Minister of **Home Affairs** be pleased to state:

(a) whether a professor from Columbia, U.S.A., is presently on a tour of India;

(b) what is his programme, and what its purpose; and

(c) whether his programme has been drawn up in consultation with the Government of India?

The Minister of Home Affairs and States (Dr. Katju): (a) to (c). I am

not aware of any such visiting professor or of the Government of India having assisted in drawing up his tour programme.

SECRETARIES IN CENTRAL SECRETARIAT

500. Pandit C. N. Malviya: Will the Minister of **Home Affairs** be pleased to state:

(a) what was the number of Joint Secretaries and Additional Secretaries in April, 1947 in the Secretariat of the Government of India including Defence Department; and

(b) what is the number of them at present?

The Minister of Home Affairs and States (Dr. Katju): (a) Joint Secretaries—39. Additional Secretaries—6 (Includes 1 *ex-officio* Additional Secretary.)

(b) Joint Secretaries—47 (Includes *ex-officio* Joint Secretaries and 2 Officers on Special Duties of Joint Secretary's status). Additional Secretaries—4 (Includes 3 *ex-officio* Additional Secretaries).

POST OFFICES FOR HILL DISTRICTS IN U.P.

502. Shri Bhakta Darshan: Will the Minister of **Communications** be pleased to state:

(a) how many new Post Offices and Telegraph Stations were opened during 1947-48, 1948-49, 1949-50, 1950-51 and 1951-52 in each of the five Hill Districts of Uttar Pradesh, namely Dehra Dun, Garhwal, Tehri-Garhwal, Almora and Nainital, and at which places;

(b) whether all of them have been successful or were any of them closed down later on;

(c) if so, what were the reasons;

(d) what are the total numbers of Post Offices and Telegraph Stations in each of these five Hill Districts now; and

(e) how many new Post Offices and Telegraph Stations are proposed to be opened in each of these Districts during 1952-53, and at which places?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Two statements containing the required information are attached. [*See* Appendix IX, annexure No. 47.]

(b) and (c). Only two post offices, one at Sanwal (Garhwal) and one at Rohira (Almora), were closed as they were running at a loss beyond the permissible limit. No Telegraph Office was closed.

(d) Total number of Post Offices and Telegraph Offices existing in the five hill Districts of Uttar Pradesh.

	Dehra-dun	Garh-wal	T.hri Garhwal	Almora	Naini-tal
Post Offices.	63	147	15	149	50
Telegraph Offices	18	12	3	8	13

(e) Telegraph offices proposed to be opened.

Dehra Dun—Nil.
Tehri Garhwal—Nil.
Garhwal—Chandrapuri and Tharali
Almora—Bageshwar, Askote and Dwarhat.
Nainital—Rudrapur and Gokalnagar.

The question of the policy to be pursued in the opening of rural Post Offices during 1952-53 is under consideration. Post Offices exist in all the villages with a population of 2,000 and above in the hill districts of Uttar Pradesh.

TELEPHONE EXCHANGES

503. Shri Bhakta Darshan: Will the Minister of **Communications** be pleased to state:

(a) how many new Telephone Exchanges and Public Call Offices were opened during 1947-48, 1948-49, 1949-50, 1950-51 and 1951-52 in each of the five Hill Districts of Uttar Pradesh, namely Dehra Dun, Garhwal, Tehri-Garhwal, Almora and Nainital, and at which places?

(b) whether all of them have been successful or were any of them closed down later on;

(c) if so, what were the reasons;

(d) what is the total number of Telephone Exchanges and Public Call Offices in each of these five Hill Districts now; and

(e) how many new Telephone Exchanges and Public Call Offices are proposed to be opened in each of these districts during 1952-53, and at what places;

The Deputy Minister of Communication (Shri Raj Bahadur): (a) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 48.]

(b) Yes, all are working and none has been closed.

(c) Does not arise.

(d)—

	P.C.O.S.	Exchanges
Dehra Dun	15	4
Garhwal	10	2
Tehri-Garhwal	1	—
Almora	4	2
Nainital	11	2

(e) During the current year, three Public Call Offices have already been opened at Badrinath, Joshimath and Nandprayag in Garhwal District. No more Public Call Offices are proposed to be opened during the year. Two exchanges, namely, at Badrinath (Garhwal District) and Rudrapur Tarai (Naini Tal District) have been programmed to be opened during this year.

FOODGRAINS FROM HYDERABAD

504. Shri Waghmare: (a) Will the Minister of **Food and Agriculture** be pleased to state the quantity of foodgrains received by the Centre from Hyderabad State during 1951 and 1952?

(b) What quantity and what type of foodgrain was given by the Centre to Hyderabad State during these two years?

(c) Is the foodgrains so imported or exported subject to duty in the form of *Karargiri* levied under Hyderabad law?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Hyderabad supplied 330 tons of long wheat during 1951 and have offered 666 tons of the same grain during 1952.

(b) Hyderabad was supplied 1,29,000 tons of foodgrains in 1951 comprising 17,000 tons of rice, 96,000 tons of wheat and 16,000 tons of other grain. During 1952 so far, they have been supplied 51,200 tons of foodgrain of which 3,900 tons is rice, 38,900 tons wheat and 8,400 tons other grain.

(c) A reference has been made to the Government of Hyderabad and information will be laid on the Table of the House when received.

खाद्यान्नों का समाहार

५०५ श्री बाबमारे: क्या खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे

(क) क्या खाद्यान्नों के समाहार की नीति विभिन्न राज्यों में भिन्न भिन्न है, और यदि हां, तो उसके कारण, तथा

(ख) क्या समाहार केन्द्रीय सरकार के आदेश से किया जाता है या राज्य सरकारों के आदेश से ?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The system of procurement varies from one State to another as local conditions are different in each State.

(b) Procurement is arranged for by the State Governments, but the system best suited for each State is decided in consultation with the Central Government.

THE Dated.....20.11.201

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Tuesday, 22nd July, 1952.

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

PRIVILEGES COMMITTEE

TIME FOR PRESENTATION OF REPORT ON CERTAIN PAPERS LAID ON THE TABLE BY DR. S. N. SINHA EXTENDED

The Minister of Home Affairs and States (Dr. Katju): I do not know what is the procedure. You will remember that I promised to make a statement on Assam. Shall I do it now, or after making the motion for extension of time for presentation of Report of Committee of Privileges.

Mr. Speaker: Just as he pleases; he may move the motion first.

Dr. Katju: I beg to move:

"That the time for the presentation of the report of the Committee of Privileges on the question of privilege regarding certain papers laid on the Table of the House by Dr. Satyanarain Sinha, M.P., be extended upto the first day of the second week of the next session of the House."

Mr. Speaker: The question is:

"That the time for the presentation of the report of the Committee of Privileges on the question of privilege regarding certain papers laid on the Table of the House by Dr. Satyanarain Sinha, M.P., be extended upto the first day of the second week of the next session of the House."

The motion was adopted.

STATEMENT *RE* ASSAM FLOODS

The Minister of Home Affairs and States (Dr. Katju): Sir, may I, with your permission, make a brief statement about floods in Assam. It is a matter of the deepest regret that the State of Assam which has barely recovered from the effects of earthquakes and floods which happened only a short while ago should again have been visited by this calamity. As soon as we heard of it I sent an immediate telegram to the Chief Minister expressing profound sympathy and also asking him to furnish a full and detailed report of the uptodate position. At the same time, I asked him to let us know if we could help him in any way.

The 'Chief Minister who has personally visited the affected area has sent me a very full telegram in which he has stated that due to continuous heavy rains the Brahamputra and most of its tributaries rose simultaneously flooding nearly 10,000 square miles, the districts worst affected are Lakhimpur, Kamrup, Nowgong and Golpara. There has not been much loss of human life—only 52 cases have been reported so far, but several boat disasters have occurred and cattle are stranded without fodder in all affected areas. The Assam Rail Link is reported to have been breached in several places and so also the Railway line from Amingaon to Assam border. Railway communications have been restored only in patches so far. The Assam Trunk Road on both sides of Brahamputra is under water, dislocating traffic at several places in different Districts. Road communications—to Garo Hills and North Lakhimpur have also been disrupted while many internal roads are under water. Only very important mail is

[Dr. Katju]

being carried to and from Assam which is cut off from rest of India so far as ordinary mail is concerned. Postal communications in certain Districts have also been cut off due to breaches on the road, the Air strips at Sadiya and Morkang-Selek have also been cut off. Thus Rail, road and air communications have been considerably disrupted. Extensive demage has been caused to paddy not yet harvested, also the winter paddy seedlings and deep water paddy in the fields.

Many granaries in all affected areas and one Government paddy godown have been submerged but details of the extent of crop damaged have not yet been available.

Dibrugarh and Sadiya Districts have also been affected by erosion which continues unabated.

The Assam Government have sanctioned Rs. two lakhs for gratuitous relief and two and a quarter lakhs as agricultural loan. They are allotting more funds according to necessity. District officers are rendering all possible relief and have been instructed to arrange supply of paddy seeds and seedlings. The State Government's Health Department are taking necessary action for prevention of epidemics. Full details are not, however, yet available due to dislocation of communication.

The Chief Minister has asked for assistance from the Centre in the following directions:

(1) 10,000 maunds of Sali seeds costing Rs. two lakhs for immediate distribution.

(2) Help in cash and kind for distribution of gratuitous relief, food and medicines etc.

(3) Use of Sukrating air field for shelter of cattle and rehabilitation of tribals rendered homeless.

(4) Immediate supply of certain medicines such as Quinine, Plaudrine, Thalazon, Sulphadiazine and Penicillin etc.,

The Ministry of Health are arranging to send immediately medicines worth Rs. 55 thousands from the Red Cross stocks. Arrangements are also being made to supply drugs of the value of about Rs. 40,000 within the next few days from the same stock. 10,000 pounds of powdered milk which is expected from the Danish Red Cross very soon will also be despatched to Assam.

The Ministry of Food and Agriculture have informed the Government of Assam that it would be possible to supply them food grains in such quantities as may be required by them provided arrangements for their movement can be made.

The Assam Government's request for further help in cash and kind is under immediate consideration. This information is based primarily upon a very full telegram which was despatched from Shillong on the 18th instant. I have not had any further telegram from the Chief Minister and it is very difficult to get him on the telephone at Shillong. I need scarcely say that we will deal with this request with the utmost sympathy and expedition and do everything possible to help Assam to recover from the damage it is suffering. I am sure I may convey to the people of that State the full sympathy of this Parliament.

Dr. S. P. Mookerjee (Calcutta South-East): May I make one suggestion? I am not asking any question. The Statement that the hon. Minister has read out has disclosed complete dislocation of communications. So, restoration of communication is the most urgent matter even to make relief possible. May we know what steps have been taken for securing this. Nothing has been stated about it in the statement. That must receive the topmost priority. What arrangements do they propose to make for this? He may perhaps have some information as to when he expects minimum restoration of communications possible. That, I believe, is the most important and urgent matter.

Dr. Katju: The first prerequisite is the receding of the flood waters. As soon as that happens, I am very sure that the State Government will take every possible step to restore communications through their own departments. If they ask for any help that will be at their disposal.

Dr. S. P. Mookerjee: On an occasion like this the help of the Military must be requisitioned.

Shri Barman (North Bengal—Reserve—Sch. Castes): On a point of information. I had tabled two short notice questions on the situation in North Bengal which was visited by a similar calamity as Assam.

Mr. Speaker: He may enquire from office. I do not know whether those questions were allowed or disallowed.

The Minister of Railways and Transport (Shri L. B. Shastri): They are coming up day after tomorrow.

Shri R. K. Chaudhury (Gauhati): Sir, may I know something about the position.....

Mr. Speaker: Order, order. The hon. Member (I am afraid I should be very strict over this matter) cannot be permitted to put a question from a different seat.

I have requested hon. Members that, so far as possible, they should stick to the same seat or sit near about. Otherwise, it creates difficulty for the Chair to spot out a Member. I will again refer to that difficulty after a minute.

Whatever suggestions they may have, hon. Members may make them to the Home Minister and I shall permit him to make a further statement on the subject.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

PETITIONS RECEIVED

Shri Vartak (Thana): I beg to present the report of the Committee on Petitions on the Bill further to amend the Preventive Detention Act, 1950.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL—*Contd.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Dr. Kailas Nath Katju on the 17th July, 1952, namely:

> "That the Bill further to amend the Preventive Detenction Act, 1950, be taken into consideration".

Along with that there are three amendments. I need not recapitulate them.

In this connection, I should like to invite the earnest attention of hon. Members who wish to speak that this debate has been carried on for a pretty long time; and, so far as I can see, all the main points giving the constitutional aspects, the legal aspects and the factual aspects and all that have been considered. Hon. Members will therefore kindly shorten their speeches now, referring only to such further factual things or other arguments which have not been covered till now. Because, my impression on going through the debate is that it is practically repetition of the same argument—though of course I may say that it is not repetition of the exact words, but it is more or less a paraphrase of what has been said before. That is one point to which I would invite the attention of all Members.

I should now call upon Shrimati Subhadra Joshi to continue her speech. In this case too, the hon. the lady Member has changed her seat in such a manner that I could not find out whether she was in the House at all. That is the difficulty. It is not merely a technical point which I am making. When a name is there, I naturally look to the place where the hon. Member has been usually sitting, and I cannot be expected to enquire first through my Private Secretary or the official here to find out whether the hon. Member is present in the House or not. I was just going to pass on, saying that she is not here and I was going to call upon somebody else. But on enquiry I found that she was here. Now she will kindly stick to the place which she is occupying.

श्रीमती सुभद्रा जोशी (करनाल) : अध्यक्ष महोदय, मैं कल इस बात का जिक्र कर रही थी कि देश में हालात ऐसे हैं कि जब तक इस क़िस्म का कोई क़ानून हमारी हुकूमत के पास नहीं होता है तब तक उन हालात पर क़ाबू पाना मुश्किल है । इस सिलसिले में मैं कल औरतों का जिक्र कर रही थी और अर्ज़ कर रही थी कि जब से यह जमातें आर्गेनाइज (organise) हुई हैं, या थोड़ा ज्यादा जनता के सामने आई हैं, खास कर सन् १९४७ के दंगों के बाद, हुई लोग यह देख रहे हैं कि किसी न किसी बहाने से कभी पाकिस्तान में जो हमारी बहनें हैं उन का नाम ले कर, कभी यहां धर्म के नाम से, कभी किसी बदला लेने के बहाने से औरतों की इज्जत को खतरे में डाल दिया जाता है और जैसा मैं ने पहले कहा कि उन्होंने ऐसे ऐसे तरीक़े निकाले हैं जिन पर पेश पाना बहुत मुश्किल है । और जो उन के लीड (lead) करने वाले होते हैं वह कभी सामने नहीं आते हैं। इसी सिलसिले में मैं आप से कह रही थी, अध्यक्ष महोदय, कि यह तकरीबन रोजमर्रा की बातें

[श्रीमती सुभद्रा जोशी]

हो गई हैं। देश के कोने कोने से ऐसी बातों के जिक्र रोज आते रहते हैं। मैं एक स्पेसिफ़िक (specific) बात का जिक्र करना चाहती हूं। दो साल हुए जब कि इसी तरह का क़िस्सा हिसार के इलाके में हुआ। वहां के शरणार्थियों और वहां के रहने वालों में आपस में झगड़ा हुआ और एक बहिन का बहुत अपमान किया गया। मुझे खुद वहां जाकर तहक़ीक़ात करने का मौका मिला और मुझे इस बात का बहुत अफ़सोस हुआ कि वहां एक ग्रुप (group) को हिन्दु महासभा के नेता लीड कर रहे थे और दूसरे ग्रुप को संघ के लोग लीड कर रहे थे। यहां इसी क़िस्म की बातें रोज़ रोज़ होती हैं। मेरी तो समझ में नहीं आता कि इन लोगों के लिये क्या किया जाय। मुक़दमे चलते हैं उन लोगों पर जिन को यह भड़काते हैं या जिन से काम करवाते हैं और यह लोग आराम से बैठे रहते हैं।

मैं और बातों का जिक्र न कर के केवल एक और बात का जिक्र करना चाहती हूं। एक अखबार जो दिल्ली का है उस में एक ख़बर आई जिस की हेडिंग है " मुसलमान नौजवान झंडेवालान से हिन्दू लड़की को अगवा कर के ले गया।" मैं इस बारे में ज्यादा नहीं कहना चाहती लेकिन मैं अपने आनरेबल होम मिनिस्टर की तवज्जह इस तरफ़ दिलाना चाहती हूं और उम्मीद करती हूं कि वह इस बात की अच्छी तरह से तहक़ीक़ात करेंगे। आनरेबल मेम्बर्स की इत्तला के लिये इतना ही कह देना काफ़ी होगा कि जिस नौजवान का यहां जिक्र है वह उस लड़की का अपना सगा भाई है और वह लड़की घर से लड़ कर या पिट कर अपने भाई के पास गई थी और उस अखबार में यह लिखा है :

"दिल्ली, १८ जुलाई, दिल्ली प्रान्तीय हिन्दू महासभा के प्रधान प्रो० राम सिंह को मुहल्ला सुधार कमेटी के जनरल सेक्रेटरी ने लिखा है : एक शख्स बाबूलाल चमार, झंडेवालान रोड दिल्ली, के लड़के सोहन लाल की बीबी शान्ति को एक मुसलमान नौजवान अनवर जो सराय खलील, सदर का रहने वाला है, अगवा कर के ले गया है।"

इस तरह की बात चीत होती हैं। इस का नतीजा यह होता है कि लोगों पर ख़राब असर पड़ता है। इन जमातों के काम करने के तरीक़े ऐसे होते हैं कि मुझे अफ़सोस के साथ कहना पड़ता है कि सन् १९४७ के बाद से कम से कम मैं दिल्ली में यह देखती आ रही हूं कि हर १५, २० दिन पर या महीने के बाद एक न एक मुसलमान मुहल्ले को किसी बहाने से घेर लिया जाता है और वहां औरतों का, वहां के रहनेवाली बहनों का अपमान किया जाता है। इसी तरह से इस किस्से में भी सराय ख़लील पर १००-२०० आदमी जमा हो गये और औरतों का अपमान करने की कोशिश की गई और तलाशी लेने की कोशिश की गई उस मुसलिम मुहल्ले की। तो जब से इन जमातों ने ऐसे मामलों में औरतों पर हाथ उठाना शुरू कर दिया तो उन्होंने हमारे देश में देहातों और शहरों की फ़िज़ा को ख़राब कर दिया और जैसा मैं ने अभी आप से कहा कि अगर कोई किसी पर उंगली उठाये तो लोग यह नहीं देखते हैं कि किसी का अपमान हो रहा है, वह समझते हैं कि इस से हमारा क्या ताल्लुक़ है। आप उस का मजहब पूछते हैं, उस का धर्म पूछते हैं, आप पूछते हैं कि औरत अच्छी है या बुरी। इन जमातों ने वैल्यूज (values) को चेन्ज (change) कर दिया है और चेन्ज करने

की कोशिश करते हैं। मुझे तो इन जमातों के रवैये को देख कर ताज्जुब होता है। उस से एक कन्फ़्यूजन (confusion) पैदा होता है। मुझे ताज्जुब होता है उन जमातों पर जो उन से हाथ मिलाने को तैयार होती हैं। मैं इस बारे में कहना चाहती हूं कि अगर हमारी जमातों के लोग या किसी भी सयासी जमात के लोग इन जमातों के साथ हाथ मिलाते हैं तो मुझे उन की औरतों की तरफ से कहना पड़ेगा कि वह लोग निहायत निकम्मे पति हैं और निकम्मे भाई हैं, निकम्मे और अनग्रेटफुल सन्स (ungrateful sons) हैं अपने माता और पिता के।

जिस तरह की हवा यह जमातें बनाती हैं उस तरह की हवा में हमारे बच्चों की ट्रेनिंग अच्छी नहीं हो सकती न उन्हें अच्छी तालीम मिल सकती है। मैं तो चाहती हूं कि कोई इस क़िस्म का क़ानून हमारी हुकूमत के पास हो जिस से वह इन लोगों के साथ सख्ती के साथ पेश आ सके।

जो दूसरी बात मैं आप से अर्ज़ करना चाहती हूं वह थोड़ा सा माइनारिटीज़ (minorities) के बारे में है।

ऐसे क़िस्से चलाते हैं हमारी इन जमातों के नेता कि मैं यह महसूस करती हूं कि मामूली क़ानून से, और मामूली कोर्टस (courts) में और मामूली मुकदमों से इन लोगों का कोई इन्तिज़ाम नहीं हो सकता। मैं इस तरफ़ आप की तवज्जह दिलाना चाहती हूं। हमारे अख़बारों और हमारे इन जमाअतों के नेताओं की स्पीचेज़ से मालूम होता है कि यह देश के कोने कोने में बलवे कराना चाहते हैं। और अध्यक्ष महोदय इस सिलसिले में मैं यह अर्ज़ करना चाहती हूं कि यह सिर्फ मुसलमानों के ही लिये नहीं किया जाता है, बल्कि इस क़िस्म की स्पीचेज़ दे कर यह लोग सिख और हिन्दुओं में भी लड़ाई करवाना चाहते हैं। मैं ने सुना है कि कोई ऐसा क़ानून है कि अगर कोई हिन्दुस्तान के रहने वालों में नफ़रत पैदा करता है तो वह क़ानून उस के खिलाफ इस्तैमाल किया जाता है। लेकिन मैं ने उस को इस्तैमाल होते नहीं देखा। वह क़ानून मुझे इतना कमज़ोर मालूम होता है कि जब तक हमारी हुकूमत के हाथ में ऐसी ऐग्ज़ीक्यूटिव पावर्स (executive powers) नहीं होंगी तब तक ऐसे लोगों का इलाज नहीं हो सकता।

आखिर में मैं आप से यह कहना चाहती हूं, अध्यक्ष महोदय, कि यह जो ग्रुप्स बने हैं और जो सब किस्म की पार्टीज़ मिल कर के कांग्रेस गवर्नमेंट का विरोध कर रही हैं वह सिर्फ़ इसलिये यह विरोध कर रही हैं कि यह कांग्रेस गवर्नमेंट है, इस से देश में एनार्की (anarchy) पैदा हो गई है। आप अन्दाज़ा लगायें। एक तरफ़ कम्युनिस्ट पार्टी है, एक तरफ़ हिन्दू महासभा और जन संघ है। तो यह क़िस्म क़िस्म की पार्टियां ह। उन की आइडियालाजी (ideology) नहीं मिलती है, न उनके रास्ते मिलते हैं। एक तरफ़ हमारे कम्युनिस्ट भाई हैं जो कि एक ऐसी हुकूमत बनाना चाहते हैं कि जिस में सब बराबर के लोग हों। वह एक खास रास्ते पर चलते हैं। हथियार जमा करते हैं, मारते हैं, मरवाते हैं और जब मरवाने लगते हैं तो लोग ज़्यादा भी मारे जाते हैं। तो यह लोग आखिर एक इकानामिक थ्योरी (economic theory) रखते हैं, और उनकी आइडियालाजी किसी पोलीटिकल थ्योरी (political theory) पर बेस्ड (based) है। पर जो दूसरी जमाअतें हैं उन से उन का कोई मिलान नहीं है। तो,

[श्रीमती सुभद्रा जोशी]

अध्यक्ष महोदय, मैं यह कहना चाहती हूं कि यह जो पार्टियां मिल कर आपस में गुट बनाती हैं तो जनता कनफ्यूज हो जाती है। इस तरह से यह जनता में एनार्की की भावना पैदा करते हैं। तो मैं आप से यह अर्ज करना चाहती हूं कि इन के आपस में मिल जाने से ऐसी हवा पैदा हो गई है कि मैं इस बात को अच्छी तरह से महसूस करती हूं कि मामूली कानून से, मामूली अदालतों से, कुछ होने वाला नहीं है। और मैं चाहती हूं कि हुकूमत इस बिल को जल्दी पास करके फ़ौरन यह ताक़त अपने हाथ में ले। मैं इस बात का अनुमोदन करती हूं कि यह बिल सिलेक्ट कमेटी में जाना चाहिये। पर मैं इस बात के खिलाफ़ हूं कि इस को सरकुलेट (circulate) किया जाय पबलिक ओपिनियन (Public opinion) के लिये क्योंकि हम यहां पबलिक के नुमायन्दे हैं। अगर इसको पबलिक ओपीनियन के लिये सरकुलेट किया जायगा तो इन लोगों को एक बहाना मिल जायगा और जिस तरह यह और चीजों को ले कर समाज में ऊधम मचाते हैं इसी तरह इस बहाने को ले कर मचायेंगे। मैं चाहती हूं कि उन को फिर से ऐसा करने का बहाना न दिया जाय।

Dr. N. B. Khare (Gwalior): The other day when we opposed the very introduction of this Bill, our friends expressed great surprise. I may tell them that in this matter they have also in former times indulged in similar games along with me when they were on this side of the House. I wish to tell them that they need not be surprised. It appears to me that they have forgotten this and they are suffering from amnesia on loss of memory. I do not know what will happen to them if they continue to suffer from this. But there is no danger of this happening, because on the day when a Bill dealing with allowances of princes was sought to be introduced, the memory of my friends opposite suddenly revived and they tried to indulge in the same practice. Of course, we check-mated them, but that is a different matter. They must therefore remember that what is sauce for the goose is sauce for the gander, and if we pay them in the same coin, I think, they should not be surprised. This reminds me of a Hindi proverb:

मियां का जूता मियां का सर

Sir, the other day the hon. Mover of this Bill twitted us roundly by saying that we are opposing this Bill even during the introduction stage merely on party considerations. May I also tell him through you that he is also moving this Bill entirely on party considerations and nothing else? One of his followers who just now spoke, Shrimati Subhadra Joshi has openly said in her speech as follows:

> यह कांग्रेस के विरोधी गुट हैं। यह सब गड़बड़ पैदा करते हैं। कांग्रेस का काम चलने नहीं देते। इन्हें इस ऐक्ट के मुताबिक बन्द कर दिया जाय।

She has openly made that statement and that substantiates the point.

Some Hon. Members: No, no.

Mr. Speaker: Order, order.

Dr. N. B. Khare: I should not be disturbed in my speech. We are not at all surprised that this black Bill has been brought before us again for the period to be extended. When the Bill to enable the use of Air and Naval Forces was being discussed some of my friends expressed openly in this House a desire and the right of the Congress Government to bomb from the air the unprotected and unarmed masses of people and thus to commit mass murder. This Bill is nothing when compared to that and when they have got this mentality, I can certainly say that they are Gandhian Godses. We call this a black Bill. The Bill that is before us is not a matter for surprise, because everything at present is 'black' in this country. There are black Bills, black administrators and black markets. It is only contrasted by the white cap. That is all. That cap also unfortunately is sometimes nowadays being burnt on the streets of Delhi or somewhere else.

When I was a student of medicine I had to read a text book on Zoology and in that text book a very striking description is given of a reptile called the 'snake'. It includes many species, a black cobra, a viper and a boa-cons-

trictor. I remember even to this day the description in the book because it was very striking. It says that this reptile or serpent out-wrestles the athlete, out-leaps the zebra, crushes the tiger, strangles the elephant and bites the heel of civilized man. This black Bill can be compared to that kind of reptile called the serpent. As disclosed by Shrimati Subhadra Joshi it is specifically intended to be used against the Communists, against the Socialists, against the Hindu Sabhites, the Janasanghwalas etc. and I am pretty sure it will be done.

Reference was made on the floor of this House just now about Hindu-Muslim relations, and marriages also. I am afraid, this Bill is always being used with a communal bias. I make this statement with all the responsibility which I can command.

Some Hon. Members: No, no.

Mr. Speaker: Order, order; let him go on.

Dr. N. B. Khare: Don't say 'No, no'. I shall give examples.

In the State of Hyderabad, in the district of Adilabad, a few months ago, certain spies of Pakistan went there under fancy names Swad and Jwad—they did not give their real names—started a branch of the Hindustan Hamara party of Pakistan, collected subscriptions and they vanished. When these things got afloat, the Collector of that district and the Superintendent of police, who is a Muslim, ordered a CID Sub-Inspector to enquire into the matter. He enquired and the result was that these Muslims, who were Members of the Hindustan Hamara party, were detained under the Preventive Detention Act. Subsequently what happened I do not know. Pressure was put upon the Government by the Jamiat-ul-ulema, which is the conscience keeper of this Government, and these people were released. The Collector was ordered to release these people even against the law. They were not satisfied with that. They put further pressure. The Sub-Inspector was suspended; his conduct was enquired into and he was dismissed. Is this not communal bias? It is practised even in such cases where the security of the State is involved, about which they talk so much. There is always communal bias in favour of the Muslims.

Reference has been made by the same person here who was concerned in the protracted marriage in Delhi, and I am also bound to make a reference. They charged the Hindu Mahasabha roundly that they were fomenting trouble. I deny that charge with all the emphasis at my command. We do not care for these marriages. But, surely, if the Government is desirous of maintaining peace, they also should see to it that nothing is done in this country which is likely to disturb the peace: I say this even about such a marriage, which is bound to disturb the peace of the society. Government should also take steps against that. But, they have not. On the contrary, those who were wrongly suspected of disturbing the peace were detained under the Preventive Detention Act. There is also another case like this. I have got it here in the paper called *Jana Shakti* of Ajmer. With your permission, Sir, I will just read one or two sentences from it. A man there called Kaka Trilok Chand, the editor of a paper, was recently detained by the Government of Ajmer, which is under Central administration for a similar thing. There, a Hindu girl by name Bhagavanti Devi was in the custody of certain Muslims. That created a great sensation in Ajmer. Thereupon, Kaka Trilok Chand, the editor of a paper was detained. The grounds of detention given are:

"कि तुम अपने लेखों व जबान से मुसलमानों व स्थानीय लोगों के खिलाफ़ घृणा व द्वेष फैलाते रहे हो। तुम्हें अनेक बार सन् १९४८ से ५२ तक चेतावनी भी दी गई। बावजूद इसके मई १९५२ में तुमने शहर में कुमारी भगवन्ती देवी कुछ मुसलमानों के क़ब्जे में है इस नारे को उठा कर हिन्दुओं को मुसलमानों के विरुद्ध हिंसात्मक रूप से उभाड़ने की चेष्टा की।"

This is also a case of a similar marriage. Government every time interferes. In Delhi, I was told that in the Constitution Club, on the marriage day, 300 police men of the Government were there. It seems to me that in order to pursue their misconceived or perverted secularism, Government has opened a sort of a marriage bureau to bring about the marriages of Hindu girls with Muslims. I strongly protest against this secularism, if it is secularism.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Inter-caste marriages?

Mr. Speaker: Order, order; let him go on.

Dr. N. B. Khare: Then I may tell the Government that I alone am not saying all this. I have no animus against the Muslims, although I am the President of the Hindu Mahasabha. So long as they are loyal to this country, they are my brothers. Let me tell you what this paper, the official organ of the All India Congress Committee, called *Congress Sandesh* says, on date 23rd June, 1952. It says: I am reading from this paper:

"फिर भी इंडियन यूनियन में रहने वाले मुस्लिम लोग आज भी इसी तरह "अथवा लक्ष्य—पाकिस्तान" और "पाकिस्तान—जिन्दाबाद" पुकारें तो किसी न किसी तरह उसे रोकना चाहिए। आज पाकिस्तान से इसी तरह एक हिन्दू "भारत सरकार—जिन्दाबाद" कहे तो उसको उसी क्षण में इस दुनिया को छोड़ कर चले जाना पड़ेगा। पिछले हफ्ते में एक अखबार में पढ़ा है कि मुस्लिम लोगों को रमजान के वक्त स्पेशल राशन दिया जायगा। मेरी राय यह है—It is a Congress paper I am reading—मेरी राय यहहै कि आजकल उनको स्पेशल राशन देने की जरूरत नहीं। उनके बीच में अस्सी प्रतिशत भारत सरकार से प्रेम नहीं करते। यह तो ठीक है कि वे मौक़ा पायें तो भारत सरकार के खिलाफ झंडा फहरायेंगे"।

This is what the Congress official organ says. Therefore, I must say Government should be fair to all communities and unless they give up this communal bias, I think there cannot be any peace in this country. That is definite.

This reminds me of a Hindi saying of a saint: I will say only one line:

"हमें तो काम ईश्वर से,
जगत रूठे तो रूठन दे"।

and Government policy is:

"हमें तो प्रेम मुस्लिम से,
जगत रूठे तो रूठन दे"।

Then, there is another thing. In the matter of Kashmir, the same bias is exhibited. I am a Hindu Mahasabhite. I say, I am an Indian first, a Hindu second, and a Maharashtrian third. Sheikh Abdulla, the great lion of Kashmir, Shere-e-Kashmir,—I do not know how many *bakris* he has eaten and he is called a lion—before coming to Delhi on his present visit he made a speech in Srinagar and it is reported in the *Hindustan Times*, a Congress paper. He says: I am a Muslim first.....

Shri Ghulam Qader (Jammu and Kashmir): On a point of order, Sir. The hon. Member is quoting the person, who is not present in this House.

Mr. Speaker: Order, order. He is not yielding. He can raise that point afterwards.

Dr. N. B. Khare: .....I am a Muslim first, Kashmiri second and Indian third. He is regarded as the great paragon of nationalism and I am regarded as the great accused communalist, who should be cursed, defeated and punished. It has openly been said by the Member who spoke now that Hindu Mahasabhaites and Janasangwalas should be dealt with under this law. I am afraid it may happen one day. I am not sorry; I am not worried about that. In the first week of April, 1950 when Mr. Liaquat Ali Khan, the late Prime Minister of Pakistan came here, 700 miles away in Bombay, Mr. Savarkar was detained under the Preventive Detention Act. Is not that a Muslim bias? Other Hindu Mahasabhaites were also detained several hundred miles away. I was here that day. I was not going to kill Mr. Liaquat Ali Khan; I am not such a fool as that. I was hounded out of Delhi at midnight, and I was taken away with a police escort. There was an armed sub-inspector, two armed head-constables and five constables. Look at my frail body. This is the way how this Act is being worked.

The Prime Minister, the other day made a speech and said, if you want that Kashmir should fully accede to us, you should exhibit to them love, goodwill and consideration. May I also request him, through you, that a little feeling should be extended to us also. We also deserve it. But, for us, preventive detention; perhaps, air bombing in time to come—God forbid. So I will ask my friend Dr. Mookerjee to prepare along with me for being preventively detained.

It may be urged on the opposite side that this Act is necessary to fight

Communism which is rearing its head in this country. Communism cannot be fostered or engineered by propaganda alone. It only arises when there is poverty and misery in the country. That is the root cause of Communism, and to avoid or checkmate it, we must combat these evils which the Government has so far failed to do. These evils cannot be combated by repressive laws which are opposed to the very canons of democracy. I believe there is absolutely no danger at present of any foreign invasion. There is also no possibility of any internal insurrection. Why should, therefore, Government be panicky and press for the passing of this Act? There is no doubt that great discontent is prevalent in this country due to the failure of Government even to meet the primary needs of the people and solve the refugee problem. And also there is great dissatisfaction prevalent in the country on account of the partition which was accepted without a plebiscite which was suggested by Pandit Mountbatten. King Congress inspired himself and, conspired and collaborated with decadent British imperialism and accepted this partition without consulting anybody in the country and foisted it upon us, and this has led to slaughter of the innocents, the unfortunate murder of the tribune of the people, and also to a continuous process of exodus to this country which occurs in spurts. Is it not enough cause for dissatisfaction, Sir? And this partition was subsequently placed before the All-India Congress Committee for being rubber-stamped and the A.I.C.C. did it.

* * * *

Only one man had the courage to oppose it, and he had to meet with punishment subsequently. And after doing all this, what is the achievement? The achievement is that we have got freedom as epitomised in a Commonwealthily sovereign Republic. This is the freedom we have got. When we say all these things, our friends opposite get angry at us. Let me tell them that an angry man is not a wise man. And a lot of emotion and irritability is displayed in the House. Emotions exhibited like a debutant and irritability exhibited like a woman in her climacteric are not going to solve the problem. Neither myriads of words and millions of photographs can solve the problem, nor these obnoxious and lawless laws in spite of the Constitutional provision, I still am bound to say this is a lawless law—can solve the problem. The irony of fate is that those responsible for these evils, the vivisection and its sequelae and who should have been behind the prison bars in a really democratic country, have today got the power to put their opponents, persons like us behind prison bars.

10 A.M.

And they have got it how? By establishing a dictatorship with their party machine. The Prime Minister was angry with Dr. Saha the other day for calling it Fascism. I say with emphasis and with mathematical precision that this is what is called, what is understood to be Fascism. And my statement will be illustrated by seeing what took place in the House the other day at the time of introducing the Bill for the curtailment of the Privy purses of the Princes. The whole House, my friends on the other side, they were roaring, jesticulating, they were talking, they wanted to oppose the very introduction of the Bill. They were prepared for it. We expressed the view we would oppose them. The result was there was some confusion, and some disturbance, and, Sir, you had to call for order because there was virtual pandemonium, if I may remind you, Sir, with a very severe and loud "Order, order". Up sprang the Prime Minister and expressed that they were not going to oppose, and the whole House, the whole Congress opposition collapsed like anything. Sir, is it not dictatorship I ask you? What else is it?

Our country is really unique in this world because while it professes democracy, it has got provision to curtail human liberty without trial in peace time. This uniqueness must go. We are suffering from this uniqueness for the last twelve years, and such a measure is not at all present on the Statute Books of either America, U.K. or France, the models which we generally follow. Therefore, I request the House that this measure should not be passed at all. But, unfortunately, the thirst and appetite for power grows with every feed and therefore, my friend the Home Minister is pressing to extend this measure for 27 months. This conferment of extraordinary power on the Executive is like a habit forming drug. When one takes to opium, he wants more opium. When one takes to alcohol, he wants more alcohol. They are passing Bills for prohibition against the alcohol habit. Can they not pass a Bill against this also, the habit of encroaching on liberty? There is no need for Government to be panicky, and I think this

*Expunged as ordered by the Speaker.

[Dr. N. B. Khare]

Government should pay as much respect to the personal liberty of individuals in peace time as the British Government paid even in war time. I am certain that neither the practice of democracy nor the situation which obtains in this country can condone this draconian measure.

It may be urged that there may be disturbances in the country. I know there are many people in the country who have got unlicensed arms, and there are many people who thwart the maintenance of law and order. These are commonplace occurrences in every country, and do not demand any such special measures. The ordinary law can deal with them. Similarly, sometimes social unrest takes place, as is exhibited by strikes or by agrarian agitation. This also can be dealt with by the ordinary law. There is absolutely no need for such a measure.

[MR. DEPUTY-SPEAKER *in the Chair*]

Therefore, I again say Communism also cannot be conquered by violence or repression. It can be conquered only by beneficent and merciful action on the part of Government, realising the distress of the people. Such measures as this will not lead to the triumph of democracy in this country. I am sure of it. They will destroy democracy. Democracy can subsist in this country only if the culture, heritage and traditions of the people who are mostly Hindus are respected and encouraged. I oppose this measure with all the emphasis at my command.

Shri Joachim Alva (Kanara): May I ask your ruling, Sir, on a point of order? Is it open to the hon. Member who has just concluded his speech to make a very slanderous reference to the All India Congress Committee?

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We on this side of the House have not used any slanderous term regarding the Hindu Mahasabha

Dr. N. B. Khare: What about Shrimati Subhadra Joshi who blackmailed us like anything?

Shri Joachim Alva: Most of the Members have come to this House as a result of the directives of All India Congress Committee. I ask your ruling on this point, Sir. *(Interruptions).*

Mr. Deputy-Speaker: There will be no further rulings in this matter. I have not followed what the hon. Member has said completely. When the hon. Member was speaking, the hon. the Speaker was in the Chair and therefore he was in a position to hear what was said by the hon. Member. I do not know exactly what has been said, I shall have to look into the whole thing. If there is anything very obnoxious, the Chair has always got the power to expunge that portion from the proceedings. However, I shall consider that matter later. I am not in a position to say anything on that now. I do not want that such a statement should be repeated here any more. Points of order like this should be raised as and when such references are made by any hon. Member.

So, let us proceed with the further discussion of the Bill before us.

Dr. N. B. Khare: We have also been accused by Congress Members, by the mention of names like reactionaries etc. *(Interruptions).*

Shri Joachim Alva: I have obeyed your own directive in this matter, Sir, that we should not raise such points of order in the course of a speech, but should refer to them only at the end of a speech.

Mr. Deputy-Speaker: I am afraid my directive has been misunderstood. I did not want any interruptions to be made by way of asking for information, while an hon. Member is on his legs, and I wished that an hon. Member should be allowed to speak without any interruptions. But when there is something very relevant as in this case, when the hon. Member makes any aspersions which are not considered proper, then immediately hon. Members should rise to point it out to the Chair.

डा० ऐन० बी० खरे : "चिड़ियां चुग गईं खेत" ,

Shri G. H. Deshpande (Nasik—Central): Sir...

Shri V. G. Deshpande (Guna): On a point of order, Sir. The hon. the Home Minister has made it very clear that this Bill is meant against a certain political party and he has taken also the names of the members of that party...

Mr. Deputy-Speaker: The hon. member is trying to make a speech, by

*Expunged as ordered by the Deputy Speaker.

way of a point of order. It is open to the hon. Member, if he gets an opportunity to speak to refer to these things. These things have already been raised and answered.

Mr. G. H. Deshpande can proceed with his speech.

Shri G. H. Deshpande: I rise to support the amending Bill which is being discussed in this House for the last few days. The hon. Member who has preceded me was speaking very bitterly, but he exhibited his bitterness against the Government that has come into power with the consent of the people, and not with any bitterness against the provisions of the Bill. There is a saying in Marathi which says that a convert is always more bitter than the genuine, and it was but natural that when the hon. Member who preceded me was on his legs, he tried to attack us as bitterly as he can. But this in itself is a proof of how we treat our opponents, because they can abuse us to their heart's content, so long as they are non-violent. He said that this Government was responsible for the partition of the country. I would ask through you, Sir, to the hon. Member, where was his bravery then, why did he not prevent then the country from being partitioned into two parts? Who came in his way? Where was his skill? Where was his political acumen and bravery then? What is the point in his coming before this House and trying to blame a party particularly which has achieved freedom, for the partition of the country, after it has become an accomplished fact? My hon. friend has some bitterness against the present Bill. But I was surprised to listen to the words that fell from his lips, for he was actually co-operating with a Government here in this very House which detained not only thousands, but tens of thousands of patriots in this country without trial. Where was my hon. friend Mr. Khare then? Where was his love for civil liberties then? Where was his love for democracy then? And where was his patriotism then? Had he forgotten it then? My hon. friend wanted us to believe that we are suffering from forgetfulness, but I would like to say that he himself is suffering from it. He has forgotten where he was in 1942 and 1943 when hundreds of patriots were detained in this country by a foreign Government; and a gentleman who was co-operating with the foreign Government then has the courage to come here and say 'Why do you want this Bill now?' The fact is that the hon. Member will not be forgotten in this country for generations to come for the way he acted in '42 and '43. Let the hon. Member remember that.

I had in the beginning when the Bill was introduced certain reservations in my mind as to whether there was any genuine necessity for its prolongation any more. But on Friday last in the afternoon when I listened to the long sermon on democracy and civil liberty from Shri Hiren Mukerjee I was convinced that this Bill was absolutely necessary, and that I must support the Bill without any mental reservations. My hon. friend tried to make out some case of their peaceful behaviour in Calcutta. But what is going on in Bengal after all? It is said that it is a spontaneous demonstration. When people are hungry they get angry too. But I cannot understand how a hungry man can come all of a sudden to join this demonstration with acid bombs. Does my hon. friend Mr. Mukerjee want us to believe that these things can be done without any previous preparation? Why is it that tramcars were burnt? Do you want civil liberties to do this?

I listened to a long speech yesterday by my hon. friend Mr. Chatterjee. He said this is a lawless law? There is nothing like this in England. But is not England different from India? Do you remember what happened in the Hyderabad State? During a very short period, 250 honest Congressmen were removed from this world and in such a way that the guilt cannot be proved in a court of law. They established terrorism first and under the threat of terrorism no evidence was allowed to remain. Was there any sympathy for these 250 honest Congressmen who were working according to their convictions, and who were murdered in a cold blooded manner in the heart of the learned advocate? Do you want civil liberties for this? Has such a thing happened in England or America during the last two centuries? I would like to ask this question to the learned advocate. Are the conditions in England and America the same as here? Is there anybody in England to hatch out a conspiracy like this in secret for the destruction of property and for the destruction of life?

If hunger is there, that hunger has to be removed. If you want to do that, you must see that the masses concentrate their efforts to implement the Grow More Food Campaign. It cannot be done without a co-ordinated programme. It cannot be done like a miracle. It is bound to take some time, and so it requires the prevalence of

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peace. But there are people who are not democrats, who have no love for democracy; there are hot-headed fire-eating agitators in this country who at the instigation of some others from outside India want to create trouble in this country, is a fact that does not require any evidence or proof whatsoever. (*Interruptions*)

Mr. Deputy-Speaker: Hon. Members on this side of the House ought not to take that every reference to people outside India, applies to them.

Shri G. H. Deshpande: There are people who have no love for democracy at all, and who have no love for civil liberties, who want to attack democracy in the name of democracy. Democracy that they speak about is not real democracy. We must not be simple, we must not be gullible, we must be aware of the situation as it prevails in the country. We were told that it is quiet and calm now. If we are not cautious enough, the present calm that we come across is likely to prove a calm before the storm. There are some people who are waiting for the opportunity, and if we give them that opportunity all the work done during the last five years will be undone within half a month no doubt. Just as they say that prevention is better than cure, it is true of the political diseases also. You must try to prevent lawlessness from spreading throughout the country. There are people who want an opportunity. If there is comparative calm in the country and peace in the country, it is due to the power that the Government have. It is quite all right that we have peace today, but what guarantee is there that if the Act is removed that peace will prevail for any long time. We have still in our midst people who want to take an opportunity. In India, Sir, many times I am tempted to say: "Opportunism, thy name is Communism in India". Every opportunity is exploited, any trouble is exploited. If hunger is there, they are with the hungry, if communal disturbances are there they are with the communalists, if Muslims are there they are with the Muslims and if the Hindu Mahasabha is there they are with them. They are out to create disturbances; they are out to create chaos; they are out to undermine constitutional authority and they want to see when they will be able to spoil the democracy which we have built up with such great efforts. So we have to be very cautious. We are just in our infancy and if we have all these noble notions, democracy will be destroyed in this country and it will be a disaster not only to this country and its future generations, but it will be a disaster for the whole humanity. The eyes of the entire world are on us today. They do not want the progress of democracy to go on and if we want to see democracy successful and well-established in this country, then however we may love these noble ideas, however we may have our love for civil liberties, they have their limitations. People must have civil liberties, but they cannot expect licence. They do not want liberty; but they want licence. Can civil liberty be given to those people who want to burn tramcars, who want to derail trains, who want to set fire to huge stocks of fodder and establish terror in the villages? For all these misdeeds, no civil liberty will be given. Civil liberty can be expected by those people who can act with some sense of responsibility (*Interruption*) and I am glad to say that that sense of responsibility is increasing among the masses. And when we find that a particular standard is established—it is likely to be established within a few years—there will be no need for such extraordinary Acts, but so long as that situation does not prevail and the present extraordinary circumstances are there, one is bound to support such Bills in the interest of democracy and in the interest of civil liberties. The civil liberty of a few individuals may be suppressed, but what about the civil liberty of the millions and millions? What about the civil liberty of innocent people? Do you want that a few handful of people should be allowed to establish a Government of their choice against the wish of millions and millions by force, by threats, by violence? That will never be done. Do not try to attack democracy in the name of democracy. People know you very well. The whole world knows you very well and India knows you very well. My friend, Shri Hirendra Nath Mukerjee said we must be ashamed to support the Bill...

Mr. Deputy-Speaker: Order, order. People do not know me well.

Shri G. H. Deshpande: ...but where was his party in 1942 and '43? My hon. friend, Dr. Khare, referred to aerial bombing. But he co-operated with the Government in actually bombing people in Bihar. He was a part and parcel of a Government that actually bombed innocent people from the skies. Where was the Communist Party then? Where was their patriotism then? Where was their love of civil liberties then? Now when we are establishing democracy, when we are establishing civil liberties they want to attack us,

not because there is oppressive legislation but because we want democracy and civil liberty. With a clean conscience I support this Bill.

Dr. Jaisoorya (Medak): To the Home Minister I want to tell a few home truths. I have heard him for the umpteenth time say that he has spent 40 years of his life in law courts. I concede that point. As a lawyer—40 years. Had he spent 40 years as a Judge, he might have presented his case to us more impartially. Unfortunately, he has been presenting his case like a public prosecutor in a Sub-Magistrate's court. That is why it irritates. The second thing I have heard him say for the umpteenth time was that he was born in a State—probably that was in a bad state—that he married some lady from a State, that he spent his days in some other State, that he was the Governor of some other State. But that does not make him a statesman. Because it requires a very big mind, a very big heart, a very comprehensive and humanistic view of man in order to be a statesman. You may make a first-class administrator or a third grade clerk, but you cannot make a first-class statesman. Even that I do not mind. But my hon. friend's attitude towards what he calls the Opposition makes me grey and reminds me very much of that cantankerous old Irish lady who was stone-deaf and who told another woman: "I can't hear a word of what you are saying, but I know you are telling lies".

Sir, I do not know whether you know anything of the laws of palmistry, but expert palmists have told me that if you find a circle on the headline under the mouth of Saturn it signifies physical deafness. But an intelligent palmist when he finds that the man is not physically deaf, must come to the conclusion that he is mentally deaf. It takes a very loud voice to make the deaf hear; it takes a still louder voice to make those hear that do not wish to hear. Very often the voice of the people is scattered to the four winds because people do not wish to hear and that results very often in what my hon. friend calls 'disturbance of peace and tranquillity' which sometimes ends in revolution, and no amount of laws and sub-sections and Constitutions and interpretations of Constitutions is going to stop revolutions when the time is ripe. They come in spite of your law. The French Revolution came in spite of the laws. The revolution of slaves in Rome came in spite of the laws. Revolutions will come if you do not remove the cause of revolutions. This is the legalistic way of looking at it like King Canute saying: "Thus far and no further". The legalistic mind in India, unfortunately is an unholy cross between British Constitutional law and Hindu casuistry...

The Minister of State for Finance (Shri Tyagi): I agree.

Dr. Jaisoorya: Having finished that Sir, I—as I want to be impartial—want to tell you the whole story. I have spent precious money and precious time to go through all the former debates and it is very interesting because I wanted to study like a student all that happened as I was not there and many others were not there.

The Preventive Detention Bill was introduced by the late Sardar Patel whom I knew for 30 years, for whom I have the highest reverence, and who had always received me even if my sister Maniben cast a glare at me and tried to prevent me from seeing him. He said:

> "At the outset I should like to apologise to the House for the extremely short notice at which I have to approach it for this emergency legislation."

> "I shall not weary the House by telling it how exactly the Communists in India, who have been by far the largest number of detenus, constitute a danger to the existence and security of the State".

So there is no doubt about it as to whom it applies though my hon. friend says it applies to anybody to whom the cap will fit. And the reason for moving the Bill, he said, was:

> "It would be a poor return for those sacrifices and sufferings if we fail to preserve the liberties which we have won after so much struggle and surrender them to the merciless and ruthless tactics of a comparatively small number of persons whose inspiration, methods and culture are all of a foreign stamp and who are as the history of so many countries shows linked financially, strategically, structurally and tactically with foreign organisations."

So, it is claimed that we won our present freedom by the terrific sacrifices that my voluble friend who preceded me spoke about just now. On this I have been informed and newspapermen are very well informed. Mr. Srinivasan who was the President of the All-India Newspaper Editors' Con-

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ference said, "Freedom was thrust upon us when we were least prepared for it." You do not get freedom by an Act of Parliament in Westminster. It was a transfer, a book transfer, as far as I am concerned. Now my ancient friend, Panjabrao Deshmukh—thirty-two years of inveterate and implacable friendship binds us together—said:

> "There is in human nature a tendency to utilise short-cuts wherever they are available, and the reason why the words 'preventive detention' are hated by the people of India at the present moment is that the powers of detention which have been given to the various Governments have not always been used discreetly."

Hearing his last apologia and defence, I only have to say, "Alas! Poor York, how thou hath changed!"

Dr. P. S. Deshmukh (Amravati East): There is no change, Sir.

Dr. Jaisoorya: Then this cynicism with which the first Bill was passed: It took exactly four hours if I am not mistaken! The second time when it came up to be renewed here is a statement by an amphibious thing with the boundless human warmth of a rattlesnake:

> "I was coming here in a hurry for I heard that Dr. Ambedkar was able to get through two solid Bills in this House as I had not at all anticipated last evening. It seems to me that people treat me much worse than they treat Dr. Ambedkar."

In other words, he wanted to get through one Bill in half the time. It surprises me that a Bill which is—take it whichever way you like—a serious problem, a problem that concerns fundamental aspects of human freedom is rushed through, but a measure meant for the progress of the women of India—I mean the Hindu Code—on which the Government said, "We shall stand or fall by the Hindu Code" fell a casualty by the wayside, murdered and betrayed by those very people who are the backbone of the Congress. And like the historic Rampur telegram, the Government is still standing! I want to ask you: What faith can I have in a Government that says that it will stand or fall by a certain measure and then survives when the Bill has fallen?

Again—

> "We have taken over from the British Government. It was an efficient Government."

And surprisingly enough a few days later he says:

> "Let it be clearly understood that I make no commitment on behalf of the Government because I do not see so much efficiency in our own Government and so much intelligence among our people from which we can hope that we will overcome this difficulty within a short time."

Then they began to complain, "We have been discussing this Bill for seven hours, we want to get it pushed through as quickly as possible." And then finally came a solemn assurance:

> "And then I can give another, more important, assurance, and I must give it at once. That is this. If the officers who are entrusted with the task—district magistrates and commissioners of police and the other high officers who are entrusted with the authority sometimes to issue orders under this Act—if any of them is found to have temporarily taken advantage of the measure for abuse of power and misuse of position, you may rest assured that Government will take the most serious view of such conduct and will treat every such abuse of power as disloyalty to the State, nothing less."

Sir, I want to show you that it is not all as simple as all this. I do believe —I am prepared to concede, because I have known the hon. friend for dozens of years—the *bona fides* of my hon. friend. But what about the machinery under his control? That same machinery which with equal impartiality put the Congressmen into oblivion and unconsciousness, that same corrupt machinery is being turned against us today. Shrimati Subhadra Joshi said, "Oh, no. Those mistakes on those grounds were due to ignorance. We have no experience." (*Interruption*). No. Sir, they are not so ignorant. I know Sardar Patel said, "We are an amateur Government; we are still learning." I admit it. But then, unfortunately, in our country especially with this class who have suddenly come to power, we have the arrogance of ignorance clothed in authority assuming to itself the arrogant, insolent attribute of infallibility. This is what hurts me. You think, "Whatever we do is right. Whatever others do is wrong." Sir, I was surprised at the ignorant statements made by responsible Ministers. You will remember that in the last Parliament, during the debate on

the States Ministry, one lady Member, Padmaja Naidu, accused the Ministry of having sent inefficient and undesirable men to Hyderabad. At that time, the Minister was Shri Gopalaswami Ayyangar. Poor man, he had just taken charge. He did not know anything. And yet he had to get up and say, "I am sure Sardar Patel had chosen the very best men available in India." He did not know what Sardar Patel had told me. How could he know? If he had asked me, I would have told him. I told Sardar Patel, "Hyderabad is a first-class issue. Unfortunately, you have sent third-class men there." And, Sir, he said, "What am I to do? I have not got first-class men." How could Shri Gopalaswami Ayyangar know that? How could he know what the Chief Civil Administrator told me? He said, "What is to be done? The man who was in charge had done nothing and only fourteen days were left and we had to do it in great secrecy. We had to select helter-skelter whomsoever we could get and these were the persons available." The provinces of Madras and C.P. had sent * * * * undesirable men to Hyderabad. And Shri Gopalaswami Ayyangar said, "I am sure we have sent our best men." * * *

The Minister of Home Affairs and States (Dr. Katju): My hon. friend is perfectly at liberty to say what he likes as regards me. I have no objection to that, because I am here to answer. But so far as people who are not here are concerned, it is not proper that anything should be said against them.

Shri Raghavaiah (Ongole): On a point of information, I would like to know whether the liberty, if not licence, is given to any hon. Member on the Treasury Benches to go into the *bona fides* of the election of another hon. Member in this House, as the hon. Minister has done?

Mr. Deputy-Speaker: There is no point of order in this. I do not know if it was said. Even if it was said, the hon. Member should have taken exception then and there. Yesterday, Shri Gopalan referred to a number of cases where orders had been passed against him. They were all very relevant. Likewise, if a reference had been made to an hon. Member's election, I cannot say anything now, out of the context, to the effect that it was relevant or irrelevant. I do not see anything wrong if a general reference is made. Anyhow, the hon. Member who raised this point is a little too late in doing so. Hereafter, he will be a little more alert.

Let Dr. Jaisoorya continue.

Dr. Jaisoorya: I want to draw your attention pointedly, because these laws which we are going to pass now are going to be used by the States. What happened in Hyderabad? I was an eye-witness to it. I know what happened. (*An Hon. Member*: Yes, you must be knowing.) I know what terrible mistakes were committed. Hyderabad, which could have been India's greatest asset, is going to be its greatest liability. Mistakes can happen, but not systematic mistakes. I will give you one example. In Khammam, just before Sardar Patel was to arrive 2,000 people were arrested and put into two cages which were just like the Belson camp or the Pyongyong camp. There were eight tents and each could hold only thirty people. Khammam is separated from hell only by a thin sheet of paper. It was the height of all mistakes. Thirteen people died of sunstroke and menengitis. Then I asked our † General, "Look here, you have put 2,000 people under the Preventive Detention Act in these two cages. How many of them were Communists?" He said, "Well, 1500 had nothing to do with it actually." I again asked, "How many were Communists?" He said, "400 were sympathisers." I told him, "I am also a sympathiser. Every decent man is a sympathiser. But how many were Communists?" He said, "100". So, for the sake of half per cent. they had brutally detained 99½ per cent. of the innocent persons. One police officer told me, "We have established Communism for the next hundred years through our methods. We have burnt it into their flesh. How can we stop it? What am I to do?" You send the wrong men and adopt black and tan methods. Take the Nanjappa records from the Bombay Government. What has been the result? Forty crores gone; the people against you; Telengana definitely against you. What were the results of the election in Andhra? They did the same thing. Andhra has thrown everybody,—even stalwarts like your Rangas and Durgabais,— into the dustbin of history. Mr Jain's Rehabilitation Department may be working well or not. I do not know. But I certainly must confess that the Prime Minister's Rehabilitation Department is working excellently, rehabilitating the very persons whom the people refused to accept.

The problem is much bigger. The problem is very big, because throughout history there has been a struggle

* Expunged as ordered by the Deputy-Speaker.

† Expunged as ordered by the Speaker.

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for freedom, struggle for tolerance. Are we going to allow Warren Hastings' shadow to say: "I know the constitution of Asia only from its practice, that is unlimited arbitrary power." The fact remains, however altruistic your motives may be, however genuine your ideas may be—which I am prepared to concede hypothetically—the machinery that you have got today is not reliable. I know of flagrant cases. In the case of every Government the more it begins to fall, the more barren its achievements become, the more gruesome and brutal becomes its instruments of oppression. My hon. friend has got all the powers—military power, police power, special armed police power, naval power, air force power. The only power he has not got is soul force.

Dr. N. B. Khare: 'Sole' or 'Soul'?

Dr. Jaisoorya: The "soul" force that Mahatma Gandhi taught us and which has gone.

Now, I ask you a simple question. Nobody becomes a scoundrel just for the sake of it. People do not sacrifice their lives just for the sake of nothing. You may as well have said: the French people had no right to cry for bread and create a revolution. Why didn't they eat cakes? Hungry people there have been for a long time. They become politically conscious when cataclysms come.

I got one day a letter in Telugu. I cannot read Telugu: so I got it translated. The envelope containing the letter was very flimsy. Then it turned out that it was sent to me by some small Communist leader, written in very bad handwriting. This is the translation of it:

> "We call God and men to witness that it is not against the country that we have taken up arms; not against the safety of our fellow-citizens. We are paupers who through the vicissitudes of usurers are without a home and are condemned to indigence. We are actuated by only one wish: to guarantee our personal security against wrong. We demand neither power, nor wealth, those great and external causes of strife among mankind. We only ask for freedom, a treasure that no man will surrender except without life itself."

I said this sounds somewhat familiar to me, but I did not know where to find it. The translation was also a little funny. Then it turned out that it was a Telugu translation of the Catiline speech made two thousand three hundred years ago in Rome. Now, do you mean to say that when these young leaders harbour such ideas they are criminals, that they are looting only for the sake of looting It is a wrong way of approach.

Pandit A. R. Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): Are they looting?

Dr. Jaisoorya: They are certainly expropriating Deshmukhs.

Now I come to another point. There has been terrible claims made—I do not know from where my hon. friends got the figures from. He said: Look at the murders they have committed. My hon. friend last time brought out a pamphlet. Unfortunately I knew the origin of that pamphlet better than him—what all things came into it. I have also to give you a bill for payment. In Telengana—I am giving conservative figures, because as a responsible Member I have to be careful. If I make a mistake I have the courage to admit it. Not less than 50 died in jails and concentration camps. 50,000 were arrested and subjected to all kinds of tortures and troubles. Ten lakhs of people were beaten and subjected to indignities. One thousand houses were destroyed and burnt mostly in aboriginal areas. Property worth lakhs was destroyed by the police. There were ten thousand raids altogether on villages. The number of women raped, I am not able to give exactly, because it is very difficult to get it, because right or wrong women will not admit; they only cry.

Mr. Deputy-Speaker: Order, order. Hon. Members should be careful when they make such charges. A few minutes back the hon. Member said that he was an eye-witness to certain happenings when Sardar Patel visited Hyderabad. By all means he can refer to that, even though it may be embarrassing. Here the hon. Member is making a number of allegations that lakhs of people were beaten, that rape was committed by police officers, etc. It ought to be observed as a rule in this House that facts given are authentic, because everything that is said on the floor of the House gets so much of publicity. If the hon. Member takes entire responsibility for making that statement. . . .

Dr. Jaisoorya: I take full responsibility for them.

Mr. Deputy-Speaker: He cannot make a general statement. . .

Dr. Jaisoorya: That is why I said I cannot give figures about cases. . . .

Mr. Deputy-Speaker: Was the hon. Member a witness to a single one committed?

Shri Mohana Rao (Rajahmundry—Reserved—Sch. Castes): My own sister was raped.

Shri Raghavaiah: You have allowed the Government side to give figures; you extend the same opportunity to us too.

Mr. Deputy-Speaker: It is very easy to make accusations and I find very serious accusations being made. If an hon. Member says that he has personal knowledge of them, so that they can be verified from a reliable source, I have no objection to it. Or, even if a non-official body were to enquire into a matter, its findings may be quoted in support of a statement.

Shri H. N. Mukerjee (Calcutta North-East): Thrice at least, if not more than that, a proposition has been made with the greatest seriousness on this side of the House that on the issue of Hyderabad, we are prepared to go before an impartial tribunal to be appointed. Government has not responded so far. Not once has Government responded to the challenge we have thrown out. Only last Friday I repeated that challenge when the Prime Minister was here. Today, one Member on that side mentioned figures of congressmen who were molested or destroyed, or Heaven knows what. If figures are permitted to be quoted on that side, surely they should be allowed to be quoted by us. If Government is prepared to take up the challenge, let them appoint an impartial tribunal straightway.

Shri Raghavaiah: We demand it.

Mr. Deputy-Speaker: It has been demanded several times. The Chair is not concerned with the appointment of a tribunal. All that I wish to say is that hon. Members should not quote facts or figures unless they could be verified or established. But so far as this matter is concerned, unless the complaints have been brought before an official body and they have been recorded, or a non-official agency has gone through them, we cannot go by them. That is the difficulty. For instance when an hon. Member on the Government side makes a statement that such and such things have occurred they will be able to prove that they are on the official record. I only want that when hon. Members on this side make statements they must be sure of the authority. Some book was read yesterday. I asked what the authority was as soon as Mr. Gopalan made certain statements and he stated that the Civil Liberties Union had gathered so much material and it was contained there. I had no objection and immediately I allowed it. Therefore we must set some limits for any statement. And I am sure that hon. Members will agree with me that without any limit such allegations ought not to be made. Hon. Members should kindly bear that in mind.

Shri Raghavaiah: Sir, on a point of information. . .

Mr. Deputy-Speaker: Again and again the hon. Member wants information from me! I am not in a position to give any information. He can ask for information in the course of a speech. There are several ways of asking for information. What is the use of asking me again and again to give information?

Shri Raghavaiah *rose*—

Mr. Deputy-Speaker: No information. Let the proceedings not be interrupted by these questions.

Shri Raghavaiah: Sir, it is important. . .

Mr. Deputy-Speaker: It may be very important.

Shri Raghavaiah *rose*—

Mr. Deputy-Speaker: Order, order. I would make one other request. Excepting a few Independents who stand by themselves, so far as hon. Members who belong to any particular party are concerned, I would leave it to the leaders of those parties to see that such interruptions are not made. We want the proceedings of this House to proceed in an orderly manner, except for some interjections here and there—we ought not to be too serious also. I am always willing to see, while ensuring that the proceedings of the House are conducted in a very orderly manner, that at the same time, it does not assume an unnecessarily serious atmosphere. But such kinds of continuous interruptions mar the proceedings of the House and the dignity of the House as a whole. I would only make this appeal. Hereafter if any Member does such a thing and I call him to order and he persists in his attempt to interrupt I would naturally look to the leader of the party concerned to bring him to order.

11 A.M.

Dr. Jaisoorya: Sir, I make specific charges and I demand an enquiry if they have got the courage to do it. In regard to Hyderabad I know what I am talking about and I am prepared to stand by it. When I make a mistake, at least I have the courage to apologize (*Interruption*).

Mr. Deputy-Speaker: The hon. Member need not be led away by every interruption.

Dr. Jaisoorya: At least I have more courage. . .

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): Does he deny that he has apologized for what he has once said?

Mr. Deputy-Speaker: Order, order. The hon. Member may go on.

Dr. Jaisoorya: I have come here with specific knowledge which I place at the disposal of the House. If it is no use, I have at least done my duty.

I have another point to raise. What are the *bona fides* of the Government whom we should trust? On the one side you say: we are here to destroy all anti-social activity. But all that has been directed against the Communists. The big Razakars have run away. The glorious ability of the police that our hon. friend's Department has sent us was so wonderful that they did not know till after three days that Mir Laik Ali had run away. They were asleep, and after the event Mr. Jetley and others walked about here and there in a busy manner. And the mighty Sardar for the first time found himself standing on the wrong leg. He had to say that it was an affair of the Hyderabad Government but that it was not an affair of his Department, of which my hon. friend is the head today * * * *

I submit, Sir, that the Preventive Detention Act is for any form of anti-social activity which will.....

Mr. Deputy-Speaker: So this is issued under the Preventive Detention Act?

Dr. Jaisoorya: I wish it were.

Mr. Deputy-Speaker: The hon. Member says that he wishes it were. He wants the Preventive Detention to be applied against another hon. Member. If an occasion arises that will be done. If a case arises and the Preventive Detention Act is to be applied, it will be certainly applied. But we cannot go on multiplying instances where preventive detention must be applied in each case. The hon. Member is only supporting the argument for the continuance of the Preventive Detention Act.

Dr. N. B. Khare: On a point of information, did not Shrimati Subhadra Joshi say that the Act should be applied against the Janasanghwalas?

Mr. Deputy-Speaker: That is wrong.

An Hon. Member: If that is right, this is right.

Mr. Deputy-Speaker: Let us not unnecessarily take away the time of any hon. Member who is speaking. When an hon. Member says that subversive activities are being carried on and therefore preventive detention is necessary, that is relevant. Another hon. Member wants to oppose preventive detention. He says it is useless and improper and therefore why introduce the measure. This does not help him in his argument. Does the hon. Member say that preventive detention is necessary?

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Dr. Jaisoorya: My point is that you have to convince me about your *bona fides*. I want to be convinced. If I remember the figure correctly, the hon. Minister gave us the information that there are 93 black-marketeers. What a colossal figure! I will show you 93 black-marketeers in one village and I have not yet seen any of those big sharks, those big financiers who pay such heavy subsidies to political funds and who are the real main springs of anti-social activities, as black-marketeers. They are never caught. Only the small persons, their agents are caught. Is it not a fact that recently a case was to be launched against two people in Bombay and withdrawn for some unexplicable reason? There are always reasons where clever lawyers are involved. The case was found to be weak and withdrawn. The case against the Ministers in Hyderabad suddenly became weak and was withdrawn. We are beginning to feel that it is not the law itself that is bad, but we have no faith in this Government, that it can control its men and really make them incorruptible and just. This is the trouble that we are facing. It is a crisis in the confidence of the people in the *bona fides* of the Government. It is not our fault. We are genuinely trying to believe that the Government has changed, that the whole Congress is now no longer the Congress which it was six and a half months ago. To my consternation I happen to know that there were 30,000 applicants for the various elections and each one of them gave an exhibition of the facts, which a policeman could not do, and that could fill the whole encyclopædia of crimes and sexual pathology and out of the 30,000 came the 500. So

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* Expunged as ordered by the Deputy-Speaker.

nothing has changed. I know that things change slowly but it happens that we know history. I have seen more Governments than many people here and when there is a danger to the Government, which is not necessarily equivalent to a State, they begin to use all the weapons in a panicky manner and that is where the danger lies. Your best protection is the confidence of the people. If you want the confidence of the people, then you do not want office. Your own leader says that the Congress has lost mass contacts.

* * * *

What are the guarantees. Either I as an opponent must have faith in you, or you have got to win that faith. You need not convince me, but convince the people. The people do not know the Constitution. It is too complicated a Constitution and more than a cross-word puzzle to most people. Your safety lies in the people and not in these laws. I have seen acts that you have not passed. The Weimar Constitution was torn inside of five minutes. It is only the people that can protect the Constitution and not the laws. It is only the people that can protect the Government. General Schleicher, the most capable military politician we had, said: How long can a Government base its moral weight on bayonets? Some time or other we have got to go to the people. Please go to the people and tell them that we are the representatives of the people. Rousseau has pointed out long ago that the difficulty is the weakness wherein this democracy is not of the constituents but of the constituted and therein lies the danger. We are very far from a democracy; we are very far from the real power of the people, and it is because we have been given the power at a time when this Parliament was not a fully representative Parliament, as Babu Rajendra Prasad himself said in Madras. We have created a representative Parliament and we have every right to alter the laws made therein. After all this is an arbitrary power. Long ago Burke said:

> "My Lords, the East India Company has no arbitrary powers to give; the King has no arbitrary powers to give; nor the Commons—nor the whole Legislature. We have no arbitrary powers to give, because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can a person be governed by the will of another.
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> We are all born in subjection, all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law; prior to all our devices, and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence by which we are knit and connected in the eternal framework of the universe out of which we cannot stir.
>
> No, my lords, this arbitrary power cannot be had by conquests; nor can any sovereign have it by succession, for no man can succeed to fraud, rapine and violence, neither by compact, covenant nor succession. For men cannot covenant themselves out of their rights and their duties, nor can by any other means arbitrary power be conveyed to man. Those who give and those who receive are alike criminal, and there is no man but is bound to resist it to the best of his power wherever it shall show its face to the world. It is a crime to bear it when it can be rationally shaken off....."

Mr. Deputy-Speaker: Such long extracts should be shortened.

Dr. Jaisoorya:

> "Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability. It is wickedness in politics to say that any man can have arbitrary power."

You are giving arbitrary power, however clothed it may be in wise words. As Burke again said:

> "It would be better, a thousand times better, and a thousand times more manly, than an hypocritical process, which under a pretended reverence to punctilious ceremonies and observances of law abandons mankind without help and resource, to all the desolating consequences of arbitrary power."

You ask for power to keep a man in jail for twelve months. It can demoralise anybody to put him in jail for one day without justice.

*Shri S. V. Ramaswamy (Salem): Detention without trial, as my hon. friend Dr. S. P. Mookerjee said, is opposed to all canons of democracy: stated thus, broadly, it is acceptable. There is no doubt that the history of political institutions and their growth, the growth of law and law courts, has been nothing but the struggle for the freedom of man from the tyranny of

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*Expunged as ordered by the Deputy-Speaker.

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despots, from authority, from autocracy, and for the establishment of individual right and personal liberty, of freedom of speech and movement, of freedom of association and all those rights which are essential attributes of civilised life. To one who pins his faith in democracy as the highest form of political organisation, where anybody can reach up to his fullest development of personality, this Preventive Detention Bill presents a conflict of fundamentals, which is apparently irreconcilable. I said apparently; and particularly so to a lawyer, who day in and day out spends his time in courts of law defending people, to see that they are not unnecessarily detained in prison, anxious to keep the accused even out of police lock up if possible, this measure seems, on the face of it, regressive. But, then, we are not here considering this measure on purely theoretical grounds or on grounds based on political philosophy, but by the application of the cold logic of reason, in the particular context of the present set up in this country. I respectfully beg to submit that this measure deserves the support of the House.

It is conceded that in a state of emergency, the Government has got the right to assume enormous powers in order to maintain the safety and security of the State. That position is conceded and it is covered by some judicial decisions as well. Dr. S. P. Mookerjee also said, 'I can see the position that in a state of emergency, the State can assume extraordinary powers to suppress even individual liberty'. But, then he asked, 'Have you made out a case; have you shown the urgency; have you shown that it is necessary'. Therefore, today, it is a question of fact: not an application of the broad principles.

Some suggestions have been made by the other side and I shall deal with them one by one. The hon. Mr. N. C. Chatterjee said that this Bill could be kept suspended for a period of six months to see what the reaction of the country is. My humble submission is that this is an impracticable suggestion for this reason. The Government feels that there is danger. My hon. friend is suggesting, there is smouldering fire; let us see whether it blazes forth and catches fire; let us wait and see. That sort of attitude, in my opinion, is not practicable.

Then, I come to my friend Mr. A. K. Gopalan. My friend trotted out the theory and read out a number of charges that were laid against him and also a number of charges laid against other detenus. On a perusal of the records, it is apparent that it looks absurd. Now, you will be pleased to see, it is not in the case of the detenus alone that some of these oddities have occurred. You will find similar things when cases under the security sections come up. I can quote a number of such cases. I shall confine myself to one or two cases where similar oddities and absurdities have been noticed even in ordinary cases in the Courts under the Criminal Procedure Code. In one case, I remember, among a number of charges detailed before the Sub-divisional Magistrate, one was that the accused used to throw stones at the hen of the informant, and later on it stated that on a particular day in question, he threw a stone and the hen laid an egg. Absurd on the face of it. I asked what is the connection between the two, and the Magistrate asked the police for an explanation. The police said, Sir, the charge is that he hit the hen with such great force that the hen laid an egg. These are oddities. We may laugh them out. In another case, there was a respondent...

Mr. Deputy-Speaker: Is it necessary? Will one mistake justify another?

Shri S. V. Ramaswamy: I am not trying to justify. What I submit is this. My friend was quoting 30 or 40 cases and my friend was able to show a few oddities in four or five thousand cases. As you know well, Sir, in the general practice of criminal courts, we have come across such oddities even in normal life. In the present instance, charges are laid against the detenus, not in respect of acts done, but in respect of acts which it is intended to prevent them from doing. In all such cases, as you know, the Police laid charge-sheet—not that they have not the information, but they have got the information which they cannot very well prove and they want to bully the person in such a manner that he may not become a confirmed criminal. That is the way in which I have understood the Police acting. That is why they are making defective charge-sheets in order that persons who are criminally inclined may be brought before a Court, bullied hither and thither, and then put on the right track. That we have seen even in normal life before ordinary Courts. Well, I see nothing surprising in such charges being made. My own feeling is the Police must be in a position of much more facts than they are actually able to put in black and white. But if my friend suggests that these are the only things against him, I submit it is a thing to be regretted.

My friend, the hon. Member from West Bengal, the Deputy Leader of the Communist Party, said that it is not merely opposed to all canons of democracy, but opposed to civilised life as well. My humble submission to you is this, that with regard to this Bill, an objective view has not been taken. In the course of my speech, I shall analyse the present Bill and also its implications with reference to the main Act. But, before I do so,—my friend Mr. Hiren Mookerjee who was talking so violently on this Bill, and in the course of his speech, he even said, referring to our independence, "this so-called independence" —I would like to take you to what is the condition obtaining in normal life in Russia.

So much has been said against Russia that out of curiosity and with a sense of fairness I really wanted to understand Russia. It is with that object in view that I got hold of this book. "Towards an Understanding of the U.S.S.R." by Florensky which was published in 1951. At Page 74, this is what I find about certain measures that are found in Russia :

> "The Soviet Government does not rely entirely on indoctrination and the Communist Party to keep everyone in line. The security police—known successively as CHEKA (1918-22), OGUP (1922-34), NKVD (1934-43), NKVD or NKGB (1943-46), and MVD or MGB (since 1946)—is one of the main pillars of the regime. It comprises both a uniformed force and a body of under-cover....."

Shri K. K. Basu (Diamond Harbour) : Since when have you become the votaries of Russia?

Mr. Deputy-Speaker : He is entitled to quote. Let there be no interjection.

Shri S. V. Ramaswamy :

> "It comprises both a uniformed force and a body of undercover agents and, unlike the intelligence and security service of the Western countries, combines the police and the judicial functions. Its ubiquitous agents, free from the restraint of the law, are vested with extra-judicial powers which allow them not only to deport citizens suspected of disloyalty to the regime to the penal labour camps that dot the bleak wilderness of Russia's northern and eastern regions, but also to impose death sentences after a trial in camera or without the formality of a trial."

Shri V. P. Nayar (Chirayinkil): May I know when this book was published?

Shri S. V. Ramaswamy : In 1951.

Shri V. P. Nayar : In which country was it published?

Shri S. V. Ramaswamy : By McMillan & Co., New York.

Shri V. P. Nayar : Let that also be said!

Mr. Deputy-Speaker: Wheresoever it might have proceeded from, if the facts are relevant, they must be accepted. Hon. Members will...

Shri V. P. Nayar : I only wanted to get an idea of the source of the book.

Mr. Deputy-Speaker: I am not allowing this kind of interruption. What I would say is this. The hon. Member reads some extracts from a book. If he is wrong, let there be other documents from the Russian side or from the other side to show that these facts are wrong, and say "this is the kind of administration that is going on". If the facts are wrong or are incorrectly stated on the one side, they can be refuted by facts from similar books from the other. The whole library is there.

Shri V. P. Nayar : I only wanted the information to be complete.

Mr. Deputy-Speaker : The information need not be complete in that manner. The facts may be given wheresoever they may come from.

Shri S. V. Ramaswamy:

> "No official information on these sinister activities is available, but the number of their victims is said to be very large."

Again :

> "The extra-judicial powers of the security police are supplemented by a formidable array of legal provisions dealing with counter-revolutionary and anti-State activities."

I am reading article 58 of the Criminal Code of the U.S.S.R.

> "A counter-revolutionary activity is defined as any action directed to the overthrow, undermining or weakening of the U.S.S.R. and its constituent parts, or of its basic economic, political or national institutions."

> "In addition to treason, armed uprising, and other criminal activities punishable under the law of any country, the Code considers as counter-revolutionary the 'undermining of State industry, transportation, commerce, monetary circulation and credit, as well as co-operative societies'. The

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intentional non-fulfilment by a person of his 'definite duties' or negligence in fulfilling them, with the intent of weakening the Soviet power or disorganizing the State machinery, belongs to the same class of criminal offences. The penalty varies from imprisonment to execution by a firing squad and confiscation of all property."

Then, I take you, Sir, to article 59.

"The Code also recognizes a special class of crimes against the 'administrative order'. These are defined as 'any action which, while not aimed at the overthrow of the Soviet Government...leads nevertheless to the disorganization of the regular functioning of the organs of the Government and interference with their work, violation of the law, or other activities which weaken the power and authority of the State.'"

This is article 59, Sir. I have read this to you in order that we may understand the objections to the Bill before us, and see how compared with the draconic code that obtains in civilised Russia the proposed measure before the House is such a mild one. The Bill has been attacked on several grounds, firstly on the question of principle. Is this detention without trial such a new thing, that we should object to the present enactment in such a vehement manner? Let me dissect some of the sections of the Criminal procedure Code 1898, Chapter 5, sections 54 and 55. Section 54 enumerates 9 categories of offences where a police officer can arrest without warrant; four of these categories relate not to the actual commission of an offence, but the suspicion that a person might have committed an offence.

Sub-clause (i) says: "If he is suspected of having committed a cognizable offence."

Sub-clause (ii) says: "...where he is suspected of having in possession a stolen property."

Sub-clause (iii) says: "...where he is suspected of having deserted the army or the navy..."

Sub-clause (iv) says: "...where he is suspected of having committed some offence in some other State."

So, it is said that if there is a suspicion, the officer in charge of a police station can arrest a person without any warrant.

Then Section 55 gives power to a police officer to arrest a person without warrant if he finds that a person cannot give a satisfactory account of himself.

These are all extraordinary powers which are conferred by these sections.

Now I shall take you to section 151 of the Criminal Procedure Code. The Chapter itself is titled as 'Preventive Action by the police'. Under Section 151 a sub-inspector can straightaway arrest a person without any warrant, in order to prevent the commission of a crime, if he has got notice of a design to commit an offence by any person, or if he has any knowledge in that behalf, even though there is nothing overt and nothing plain, and not even the preparation to commit an offence, a person can be detained without a warrant.

Then section 61 defines what the sub-inspector has to do. He is given powers under this section to detain the person for 24 hours, and after that if he cannot complete the investigation by that time, he has to produce the arrested person before a magistrate under section 167 (ii). Technically therefore for the 24 hours that the sub-inspector arrests a person and detains him in his custody, there is a case of a detention without trial. The magistrate has got the authority to allow the sub-inspector to detain the person in his custody for a maximum period of 15 days. So, we see that on the mere suspicion of a person having any designs to commit any offence, power is given to the police officer to arrest any person.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): What is the necessity of preventive detention then, if these provisions are already there in the Criminal Procedure Code?

Shri S. V. Ramaswamy: Kindly allow me to go on. Let me develop the full legal theory and then the hon. Member will be satisfied. So, under section 167 (ii) power is given to detain a person without trial for a period of 15 days. Supposing the information in the possession of the police officer does not lead to a charge-sheet, then the person is let off after the expiry of that period. I respectfully submit that even in the Criminal Procedure Code which has been in the Statute book from 1898 onwards, there has been preventive detention, to some extent at least. If we accept that principle, this measure only seeks to extend the period of detention, while the quality of detention is the same.

Then, as the Hon. the Minister of Home Affairs said the other day, this is not punitive, authoritarian, or arbitrary, but is only preventive. The preparation to commit an offence is not punishable under the Indian Penal Code except under two sections, namely, Section 122 and Section 399 of the Code, where preparation for an offence itself is an offence and is punishable. The Penal Code has been on the Statute book ever since 1860 onwards, at least in respect of two sections, the preparation for the commission of an offence has been considered to be punishable. Viewed from that angle also, this Bill only seeks to see that the preparation for the commission of an offence is averted in the name and interests of the security of the State. That is the legal principle involved.

You know, Sir, that there are four stages in the Commission of an offence, the intention, the preparation, the attempt and finally the act. The law does not take notice of the intention, unless it materialises in the commission of some offence, because it is said even a devil does not know the mind of man. Further, even preparation is not taken cognizance of, by our law. It is only when the third stage of an attempt to commit an offence is reached, does it attract the attention of Section 511 of the Indian Penal Code. If that is the position in the Statute at present, if under the Criminal Procedure Code, a person can be detained without trial for 15 days and under the Indian Penal Code for the preparation to commit an offence a person can be detained, what is the extraordinary principle involved in this new Bill which seeks to incorporate both these principles in one enactment? My hon. friends on the opposite side will say that there has been an extraordinary abuse of this power and that it is likely to happen in the future also.

I wish to analyse and see whether the provisions that are before this House conform to the four principles of judicial trial—notice, opportunity to be heard, an impartial tribunal and a regular and orderly procedure. I humbly submit that even though there is not trial as such the provisions of the original Act as well as those of the amending Bill do satisfy in some measure, though not to the full extent, these four requirements of a judicial trial. What is a trial, strictly speaking? Under the Criminal Procedure Code, a trial in a summons case commences the moment the man appears before the court, but in a warrant case it is not a trial unless a charge is framed, and in a sessions case not until the charge is read before the sessions court after committal. In one sense I might even stretch that point that I have been urging so much that until the Sessions Judge pronounces a judgement of 'not guilty', in one sense it is possible to argue that there is detention without trial. It is possible to argue, because the preliminary enquiry stage is only an enquiry and according to the Code it is not a trial because no judgement is given. My friends on the opposite side will say: What is this extraordinary proposition? But here is a man who is hustled away and then detained by the police with no trial; at least in the other case the man is immediately brought before a court, there is a semblance of trial, though it is not a trial in the preliminary stage. Therefore, the comparison does not hold good. True, Sir, I admit. But then this is an extraordinary measure in order to meet an extraordinary situation for the security and stability of the State. The hon. Mr. C. Rajagopalachari said in February 1951 that it was a "distasteful expediency". Now, you will find, Sir, that this Bill has been brought before this House not with a view to come up to the standards of a judicial trial. It was never meant to be and it is not meant to be, because the case is that there are still in this country forces of disorder, forces which tend towards the disruption of this country, there are still in this country people who work, to quote the inimitable language of the hon. C. Rajagopalachari, "in secrecy, trickery and violence". There are organisations working under those principles. It is in order to prevent people reaching even to the third stage of an attempt to commit something which will endanger the security of the State that this measure has been brought forward. So that, Sir, the standards that are required in the matter of a judicial trial are not to be applied in the present case, because when things are done in secret by means of trickery you cannot always get that concreteness of evidence which you get in the case of trial before courts. Things are done in the darkness of the night, in secrecy, police get some information and before the thing can be completed the State must have powers to see that the completion of the offence is prevented and the thing is nipped in the bud. It is for that purpose that the Government now ask for powers and not for unnecessarily putting persons in jail.

Much has been said and I think we have strayed away from the field. The hon. Minister for Home Affairs

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has said that this Bill has been brought forward in pursuance of item 9 of List 1 of Schedule VII and also item 3 of List 3 of the same Schedule. It is good now to remind the House of what those provisions contain, because as I see, the debate has in one sense come to one level, namely, to discuss whether this main Bill has been aimed at one particular party or not. That is not the purpose of the Bill. As the hon. Minister himself has said in referring to it, it is for preventive detention for reasons connected with Defence, Foreign Affairs and the security of India—I am reading from item 9—and also for preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community—(item 3). That is the scope of the Bill—not that it is directed against any particular party. Unfortunately, this has been reduced to this level, as I shall presently point out, by the speech of the Deputy Leader of the Communist Party. It is necessary for me to quote the exact words of the hon. Member because when I listened to his speech with rapt attention, I was wondering whether I was making a mistake with regard to the statement of policy on the part of his party. That was why on the very next day I read the reports, but I found that there was no mistake about his statement of policy on behalf of his party. I have got the uncorrected reports and with your leave I shall read a few sentences so that there may not be any mistake, because I found from reading this uncorrected report and the press cutting which I have got, the press cutting seemed to be apparently wrong in one vital particular which I shall presently point out. Sir, the hon. Minister put a straight question. To that one should have expected a straight answer; it was not difficult of an answer. The hon. Minister said: "Are you or are you not abjuring violence?" He said: "This is not directed against the Communist Party. It is not meant for the suppression of any public opinion....." When such a noble, sincere and high-minded assurance was given on behalf of the Government by the hon. Minister in charge, I expected—and expected reasonably—of the hon. Deputy Leader of the Communist Party to extend his hand of friendship and accept that assurance as a solemn assurance on behalf of the Government so that he might cooperate to work shoulder to shoulder in building up the glory and greatness of this ancient land. I find, on the other hand, the hon. Member has gone into a field where, I respectfully submit to you, Sir, he has justified the need for such a measure, which I shall presently point out:

> "The abstract question of violence has been raised in this House this morning"—Sir, I am reading the rhetorical and repetitive portion of it, but I will give a condensed view of what he has stated —"I have been asked as a Communist to abjure violence. I would say, Sir, this is a most negative, an abstract and unrealistic way of posing a question. Nobody, Communist or other, wants violence for violence's sake, but the Communists have a political philosophy, they have an ideology which affects the understanding of the development of social processes. They know it as a fact of history that when changes happen, vested interests always try to prevent that change and fight up till the last ditch to prevent the change materialising. When common people who are suppressed for generations.....try to rise in revolution in order to build a new society close to their hearts' desire, what happens? Those who want to exploit them.....they fight till the last ditch in order to perpetuate their authority. When they do so, do you expect the common people to take it lying down. Do you expect us to practise *Ahimsa*....."

meaning thereby the ordinary, commonsense, reasonable construction—this seems to be a statement on behalf of his party—that he and his party should not be expected to practise *Ahimsa*. Continuing he said:

> "When people rise in their anger, in their righteous anger against society of a particular order, and when those people who are benefiting because of the existence and continuation of that society, when they try to prevent, to drown in blood the upsurge of the common people, will they say, we do not practise violence; we will turn the other cheek. We do not say so."

I take it, Sir, that "we" there refers to the Communist Party. Proceeding further he said:

> "The greatest philosophers of communism, the leaders of the communist movement have been the most humane of men judged by all reasonable and decent standards. That is because they have made a study of the social pro-

cesses. They have found out the laws of social dynamics and they have called upon the people to organise in order that only a kind of society which is in conformity with all civilised standards may be established in this world."

On a reading of this statement of policy on behalf of the Communist Party do you find anywhere any expression that they will not resort to violence even in the pursuit of their objectives? It is true the ultimate sanction for the State is force. The State has got a right to use force in order to maintain law and order, stability and security. As against that foundation on which all States are based no individual, no organisation, no party can ever claim a right to use force. That is axiomatic. Otherwise no State can survive. And yet we find in this statement that the Communist Party reserves a right to itself to resort to violence as and when necessary. Can this position be accepted? The Members belonging to the Communist Party here have taken an oath of allegiance to the Constitution and the Constitution is based not upon methods of violence but upon methods of conciliation, co-operation and compromise. If any party reserves to itself the right to resort to violence has that not been a betrayal of the oath of allegiance to the Constitution?

I shall not argue that point further but I will place before the House the consequences of this philosophy and what the philosophers of communism have said, to which the learned Deputy Leader of the Communist Party has referred. As early as 1906 Lenin said that "the great things in the life of a nation are settled only by force." Later in 1917 his views crystallised and as they crystallised they took the shape of that remarkable pamphlet *The State and the Revolution*. There in you find him stating in a few lines the very core, the pith and marrow of communist philosophy and strategy. The theory of the communist State is stated thus—I am reading from A *History of political Theory* by Sabine.

> "The fundamental fact is that any form of State merely represents the class struggle and the class struggle is inevitable and irreconcilable, short of the classless society. The capitalist State is inherently and essentially an instrument of exploitation used by the dominant class to enforce its interests at the expense of the exploited classes. Consequently it is impossible that it should be overthrown except by force and any theory of peaceful social evolution or any policy of conciliating the class struggle is an illusion."

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Therefore, my friend, in speaking of communist philosophers and communist philosophy must by implication subscribe to a doctrine of use of force against the State established by law. In pursuance of this philosophy they have got a strategy of their own which has been clearly explained by the very philosophers whom my esteemed friend referred to. I refer to a passage of four lines from the resolution that was passed at the Communist Internationale in 1935 advocating the united front:

> "As long as we cannot replace bourgeois democracy by dictatorship of the proletariat the proletariat is interested in retaining every scrap of bourgeois democracy in order to use it to prepare the masses for the overthrow of the power of capitalism and to achieve proletarian democracy."

According to Lenin the most powerful and advanced type of bourgeois State is that of the parliamentary democratic Republic which ours is, and in pursuit of their objective a strategy has been laid down here too. My friend, the Deputy Leader of the Communist Party spoke of social dynamics. Let me talk of the Communist revolutionary mechanics. The mechanics is in two parts one of which is the U.G. to which the hon. Minister has referred and to which I shall not refer again. I am more concerned about O.G.—their overground activities which have been detailed in all the literature. Lest I should be held guilty of diplomatic impropriety in referring to the living head of a State, I take shelter under this book and quote a passage therefrom. Stalin said of the use of legal methods by communist parties:

> "Parliamentary struggle is only a school, a fulcrum for the organisation of the extra parliamentary struggle of the proletariat."

This is the O.G. part of it. The O.G. part of communist mechanics is to see that a Bill like this is not passed so that the O.G. and the U.G. may combine. And according to Stalin the parliamentary forum is the O.G. This is the O.G. And if a Bill like this is not passed the O.G. and the U.G. will combine to overthrow the very foundations of the State as has been clearly pointed out is the objective of the communist party. It has been clearly stated more than once and it is also

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evident from the speeches made here that they are not going to lie idle, that they will not preach *ahimsa* nor will they practise *ahimsa* but they will resort to violence. Is this not more than ample justification for the passage of this Bill as it is? My humble submission is that it is. I am only amazed at the way in which this measure has been diluted. In 1950 when the late Sardar Patel brought forward this Bill for the first time it was accepted that there was an emergency and the House consented to the Bill being passed in a few hours. Later on in 1951 when the measure was brought up again the situation had slightly improved. Therefore, it is that I submit that the hon. Shri Rajagopalachari accepted certain amendments and got enacted a Bill which was more diluted than the original Act of 1950. The situation has now slightly improved and hence it is that this Bill is further diluted, but it is so diluted that I am beginning to wonder whether it is milk or water.

Under section 3(3), as soon as the detention order has been issued, the State Government has to be informed. This amendment goes still further. It liberalises the provision by saying that unless the State Government approves of that order, it will be vacated. This is a very salutary provision. None of my hon. friends have talked about it.

Then, section 4(4) says that not merely should the State Government be informed, but in turn the State Government has to inform the Central Government.

These are two further checks which are sought to be incorporated in this Bill. Does this not go in favour of the liberty of the individual? Does it not prevent the miscarriage of justice in cases where detention orders are passed?

Then there is a provision with regard to the procedure before the Advisory Board. It is a very valuable one. I read out to you the way in which trials were being conducted in Russia This Bill concedes the right to the person concerned to be heard in person before the Advisory Board. The Advisory Board is not a judicial body. No judgment can be passed by it. But the detenu is allowed to argue his case before the Board and on a perusal of the material before it and after hearing the detenu, the Board may report on vacating the original order of detention. and this is binding on the State Government. Thus, the Board is a quasi-judicial body. The men who constitute the Board are eminent judges, either retired or awaiting promotion to High Court judgeship. Is this not an extraordinary provision in favour of the individual to safeguard against any travesty of justice?

Therefore, I do not see any reason why my hon. friends should oppose this Bill. They talk of high principles. My humble submission is that they have not realised the practical difficulties of administration. It will not be always possible to get concrete evidence. The trouble must be nipped in the bud in the preparatory stage. This principle has been conceded in the two decisions of English law that I cite.

My hon. friends opposite may say that these decisions were given during a war period when there was admittedly an emergency and therefore you cannot apply the same principle now. But my humble submission is that that principle still stands *Mutatis mutandis*. I shall quote a short passage from Rex V. Halliday. Lord Atkinson said:

> "However precious the personal liberty of the subject may be, there is something for which it may well be, to some extent, sacrificed by legal enactment, namely, national success in the war, or escape from national plunder or enslavement."

In the course of the same judgment. he said:

> "And as preventive justice proceeds upon the principle that a person should be restrained from doing something which, if free and unfettered, it is reasonably probable he would do, it must necessarily proceed in all cases, to some extent, on suspicion or anticipation as distinct from proof."

My humble submission is that the same principle has to be applied in this case also. I shall not weary the House with further quotations, but since my hon. friend Mr. Mukerjee quoted Lord Atkinson and said that amidst a clash of arms laws are not silent, I shall with your permission quote from the judgment of Lord McMillan. who said in Linesside V. Anderson:

> "The liberty which we so justly extol is itself the gift of the law and as Magna Carta recognises may by the law be forfeited or abridged. At a time when it is the undoubted law of the land that a citizen may by conscription or requisition be compelled to give up his life and all that he possesses

for his country's cause it may well be no matter for surprise that there should be confided to the Secretary of State a discretionary power of enforcing the relatively mild precaution of detention."

I beg to emphasise the last four words—"relatively mild precaution of detention".

I shall not enter the field of specific acts. My hon. friends Mr. Nathwani and others have given an array of them. I shall confine myself to facts which obtain in my district. In one case known as the Salem Railway Sabotage case, there were about 78 accused. I am unable to remember the exact number and the judgment also is not with me: I have sent for it. The case was this. Some people with Communist persuasion broke open a tool box in the gang somewhere near a station about thirty or forty miles away from Salem Junction and with the aid of the tools they removed the bolts, nuts and fishplates. There were on this line three mails up and down from Madras to Mangalore and back, each following the other in quick succession. This removal was done just before the arrival of the first mail, the Blue Mountain Express.

Shri Velayudhan: When was it?

Shri S. V. Ramaswamy: In 1950. The judgment was given only a few months ago.

Shri A. K. Gopalan (Cannanore): Can he refer to this case? It is before the High Court.

Mr. Deputy-Speaker: Is the case *sub judice*?

Shri S. V. Ramaswamy: I am referring to the sessions judgment. I have no knowledge whether the case is *sub judice*. If so, I stand corrected.

Shri A. K. Gopalan: It has gone to the High Court on appeal.

Mr. Deputy-Speaker: He may only state what the case is broadly.

Shri S. V. Ramaswamy: I was giving the details of the case only to show that in that particular case the disaster was averted by a farmer coming to know of the removal of the fishplates, but there may be other cases in which during the darkness of the night similar things may be done which may not be known to anybody. Therefore, my humble submission is that if this power is there such disasters can be averted by detaining the trouble-makers.

The situation has not very much improved. It is no doubt much better than what it was in 1950 and still better than what it was in 1951. But we are not out of the woods yet. There are still ill-conditioned elements who want to overthrow by means of violence the very foundations of the State. They want to resort to violence to subvert the Constitution itself. Until and unless those ill-conditioned elements are brought under control and peace and order are maintained, it would not be possible to carry on the administration or ensure the safety and security of the citizens. It is in that sense I submit that this House do accept the amendment and pass it into law.

Shri R. N. S. Deo (Kalahandi-Bolangir): The hon. the Home Minister expressed surprise at the opposition to this measure from all sections of the opposition party. But the lack of understanding on the part of the Minister, especially of the attitude of the class, whom he was pleased to call ex-rulers is mutual. For it is equally un-understandable on the part of many of our countrymen how the same Government is utilising this class for the purpose of enforcing civil liberties of their conception.

Just look at the Parliament or at any Legislative Assembly in India today and you will see all sorts of groups, all sorts of people beginning from prince to peasant, starting from Maharajas, Rajas, Nawabs, Rajmatas, Ranis, Begums, Yuvarajas and what not not only adorning the Congress benches, but also acting as Ministers and Deputy Ministers and Sub-Deputy Ministers. I have no doubt, Sir, beginning from the Rajpramukhs, downwards to all these categories that I have mentioned, the hon. Minister must have made very good use of their love for civil liberties in enforcing the civil liberties of the present variety.

The hon. the Home Minister while moving the consideration of this Bill on the 17th last made an oblique reference to the ex-rulers' love for civil liberties. I wondered how he could have forgotten that ordinary caution of people living in glass houses not throwing stones at others. That set me thinking that perhaps some of us sitting on this side might have done something to annoy him or upset him so much that he forgot that ordinary caution. I suddenly came to the conclusion that perhaps the cut motion on civil liberties which I had the honour of moving on the 25th of June on Demands for Grants for the Home Ministry and pressed to a division, might perhaps have upset him so much. Perhaps such a censure coming from

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any other quarter would have been more palatable to him, but coming as it did from a class whom our friends had been condemning, and vilifying all these years, it irritated him. My doubt was not unfounded for on the next day, the 18th July, the cat was out of the bag and the hon. Minister actually mentioned that incident and referred to me personally Sir, lest I do any injustice to him, I would like to quote the exact words he used. He said:

> "But I do not understand another class—the ex-rulers. On the debate on the 25th June on the Home Ministry's Grants there was one cut motion put to the vote by you, Sir. That cut motion was for a reduction of hundred rupees to discuss the question of civil liberties tabled by my hon. friend from somewhere in the Eastern India. Now, fortunately or unfortunately, I myself was born in and bred in an Indian State. I rubbed my eyes, because I thought of what existed there in 1948. In that State no meeting could be held; no newspaper could be published; nothing could be done. Really we are living in an age of miracles and an age of revolution. The revolution which has come over the mind of the ex-rulers is one of the most agreeable and remarkable transformations. The rulers of yesterday who would not allow anything to be done in their State, now stand up in Parliament and say that civil liberties are being destroyed. I do not plead in the name of consistency, because consistency is not a very desirable virtue."

Well, Sir, I quite agree that the hon. Minister could not have pleaded in the name of consistency. The history of the last four years of Congress rule has shown that it is a story of inconsistency from beginning to end. A great leader had said that consistency is a virtue of an ass. If that is so, it can be said that inconsistency is the privilege of a harlot. So, while I do not plead that there should be complete consistency on the part of our Government, at least I do hope that they will not go to the other extreme.

Now to borrow a phrase of our Prime Minister.— I would take the liberty of changing it a little.—I wonder where Dr. Katju gets his facts from. He referred to me and went on to say that in that State no meeting could be held, no newspaper could be published and that nothing could be done before 1948. I really rubbed my eyes. For it is really surprising that the hon. the Home Minister, who was Governor of Orissa at the time that these States were merged with Orissa on the 1st January 1948, should say this. He ought to have known that the people of the Orissa States had complete civil liberty and enjoyed greater freedom before 1948, and it was the Orissa Government that ruthlessly suppressed those civil liberties and performed cold-blooded murders in Kharswan, Bamra and subsequently in Mayurbhanj. This repression was let loose. All sorts of restrictive orders were passed under the ordinary law as well as the extra-ordinary law, the predecessor to this Preventive Detention Act, namely, the Public Safety Act which was invoked. And people were externed, interned and detained without trial. For what crime? Because they expressed their dissatisfaction with the merger and objected that the States people were not consulted and were completely ignored, and because they asserted their right of self-determination.

We hear our Ministers repeating again and again that so far as the policy of the Government of India towards the Indian States was concerned it was always the wishes of the people that counted. Only the other day, on the 26th of June, when there was a debate on the demands for grants for the States Ministry and the question of Kashmir came up the Prime Minister said, not once, he repeated it two or three times—I would just quote those few lines from his speech. He was referring to Kashmir, and he said:

> "'Do not hurry. It is a difficult problem. Do it soundly and well, and we shall abide by the decision of the people of Kashmir.' That is the policy that Sardar and our Government laid down in regard to every State in India. Naturally the question did not arise in regard to most States. But this was the policy in regard to every State—that the people of the State should decide."

It is quite clear. Not only had Sardar Patel said it but even now our Prime Minister reiterates it. Later on, again, the Prime Minister said:

> "A declaration was made by Sardar Patel and us that every State where there was a difference of opinion will be allowed to decide by popular verdict if necessary."

Now how has this policy been really put into practice in the case of the Orissa States? Because the people

objected, because they expressed their dissatisfaction in a constitutional manner, in a legitimate manner, by holding meetings and by sending representations, by circulating leaflets and pamphlets, those were banned and the Government went so far as to issue a search warrant in respect of an office, and under the plea of seizing pistols, arms and ammunition they seized all these booklets and pamphlets—which were perhaps more explosive than real arms and ammunition—and the people of the States were thus harassed in the name of democracy. For the last four and half years or more the States people have been defrauded. They have been given nominated representation in the different Assemblies in the name of democracy and, on top of it, they have been repressed, suppressed and subjected to all sorts of atrocities. If any one goes into the cold-blooded murders that took place in Kharswan and Bamra, if any one has got any human feelings he cannot but feel ashamed of those incidents. Demands were made for an enquiry into those incidents, and what did the Government do? It did not have the courage to institute an enquiry. Now, for the same Government to accuse the rulers of this sort of thing, for which they themselves are responsible in a worse form, is indeed something which is beyond understanding.

Even supposing that there were badly administered States and there were oppressive rulers, I would not go back to the incidents of history where revolutions have taken place in the hearts of rulers, for those are well known. You are no doubt aware of Chandashok becoming Piyadarshi or Dhammashok and Dashyu Ratnakar becoming Valmiki. When such a revolution takes place, it is something to be welcomed. But when unfortunately a revolution takes place in the other direction, when those who have sacrificed and fought for civil liberties give up those liberties and suppress and repress the people, then it is a tragedy too deep for tears.

When, the hon. the Home Minister referred to those happenings in some of the Indian States where there were no civil liberties, where there was repression or suppression, I could not really understand the meaning of it. Was he trying to compare and compete with the autocracy of those days? Some references were made to what is obtaining in Russia. I wonder, is that an argument, is there going to be a competition of our Government with the autocracies or the dictatorships elsewhere, and are they trying to justify measures of this kind by such arguments?

Then it has been very forcefully urged by the hon. the Home Minister that if a law is passed it is the duty of every citizen to obey it, whether it is passed by a majority of five or by a majority of three hundred. He has talked again and again of this law-abidingness. I also fully agree with him that this quality of law-abidingness is one of the fundamental bases of democracy. But it is not simply by enforcing and by enacting these repressive laws that you can expect law-abidingness in this country. In no State in the world has repression ever led to anything but the opposite results, namely violence. But when we talk of law-abidingness and when the hon. the Home Minister objects to the use of the words 'lawless law' and suggests that whatever is permissible under the Constitution and whatever law is passed by this sovereign Parliament must be accepted as a good law, I humbly beg to say that I am unable to agree with him. It is not that any law can be accepted as good law. A law to be good must also satisfy other conditions. It is said by Professor Laski in his book *The State in Theory and Practice* "Law to be law, it is widely felt, must correspond with something more valid than the will of an authority which grounds its claim to respect upon nothing more than the coercive power at its disposal". In a parliamentary democracy it is the coercive factor behind the Government which is always in the background and where there is respect and tolerance for the Opposition, and where the views of the Opposition are taken into due account, there that Government is by consent. There any law that is passed will receive the willing support of all the citizens, but where as in our case in the present circumstances, the Opposition is not in a position to replace the Government, where there is the sledge hammer majority behind the Government and Government takes this intolerant attitude and tries to pass any measure by its majority, there we cannot say that the law is passed by consent and when the backing of the law is only the coercive factor, the coercive power of the State in whose name and as whose agent the Government acts, there, we cannot say that every law that is passed is bound to be respected. If we want to create conditions in our country, where there will be a spirit of law-abidingness, where the people will respect the Government. Our Government must at the same time create those conditions, try to create the confidence of the people. It is not by force that that can be achieved. The confidence of the people, I am sorry to say, has been shaken. It is not merely because of the way that

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our Government has acted in the last four years; it is not simply because of the other factors which have led to the failure on the part of the Government, but it is the very outlook, the psychological outlook of our Government that is at fault. Numerous instances have been quoted of how this law has been misused, of how on flimsy grounds this law has been enforced and abused. I have no wish to adduce more such instances. I would just mention one case of how this has been used in spite of all the assurances of the Treasury Benches that it is not meant against political parties. Just before the elections—there is a district in Orissa called Koraput which was supposed to be a stronghold of the Congress—and just a few months before the election suddenly the Congress found that its position there was shaky and that people had become supporters of our party the Gana-Tantra Parishad and the Preventive Detention Act was used to put the Secretary of our party there under detention and under most flimsy grounds. One of the grounds was that he had instigated the people to riot in a place and it was subsequently proved that he was not present in that place on that particular day. He was far away. Ultimately the Advisory Board recommended that he should be released and he was released. But it was only a few days before the actual polling and by this our party suffered a great loss. In spite of all this we did succeed and won six out of the ten contested seats, but we lost four. This is just an instance of how this has been used in the past for suppressing Opposition parties.

Another important fact that arises in this connection is the callousness and indifference shown towards the liberties of the people. We have heard so many arguments here that in order to prevent people from committing a crime or endangering the security or disturbance of the essential supplies of this country, people should be put in detention and when these instances are pointed out of how this has been misused and abused in the past, it is argued on the other side: Well there may be some mistakes committed. In some cases it may be that the officers were inexperienced or they were incompetent and the mistakes had been made but I should have expected that the attitude of this House would have been that not a single person should be arbitrarily detained and not a single person's liberty should be jeopardized in this manner. Today we hear arguments that it does not matter if one innocent person is condemned and if nine other guilty men are imprisoned. This is entirely contrary to all notions of civilised administration. In this connection, I would like to refer to the Universal Declaration of Human Rights. Whenever reference is made to the human rights our Minister says that it is too high. I ask —are the declarations of this General Council of the United Nations of which our country is a member, where we keep sending delegations and spending lakhs and lakhs every year to be treated so lightly? If we do not believe in those principles of the United Nations, then why have we taken the Kashmir issue to that body and why are we sending delegations there and spending so much money every year?

I would draw the attention of this House to Article 9 of the Universal Declaration of Human Rights:

> "No one shall be subjected to arbitrary arrest, detention or exile."

Then Article 10 says:

> "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

Article 11 says:

> "(1) Everyone charged with a penal offence has the right to be presumed to be innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

It is very curious that in one case the hon. Home Minister takes the view that preventive detention is penal. If it so, then, how can he avoid this Article 11 of the Universal Declaration of Human Rights.

I would next refer to Article 29 of the same Declaration which lays down the limitations to those rights:

> "(1) Every one has duties to the community in which alone the free and full development of his personality is possible."
>
> "(2) In the exercise of his rights and freedoms, every one shall be subject only to such limitations as are prescribed by law solely for the purpose of securing due recognition and respect for the

rights and freedom of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

"(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations."

When this particular Article was discussed, and the question of the limitations on the fundamental rights was being considered, this point about detention was also taken into consideration and it was recognised that there would be necessity of limiting the rights guaranteed under these different Articles. But, it was never contemplated that any one charged with a criminal or penal offence would be detained without trial and without legal aid.

Then I would refer to the draft convention, the International Covenant of Human Rights. "A number of Articles in the substantive part of the First Draft Covenant contain limitations and restrictions. Moreover, Article 2, in the first part of the Covenant allows States Parties to the Covenant to derogate from their obligations in the case of emergency or public disaster 'to the extent strictly limited by the exigencies of the situation'. However, even this escape clause is specifically exempted from application to rights guaranteed under certain Articles. The right to life, to freedom from torture, to freedom from arbitrary arrest, from debt imprisonment, from conviction under *ex-post-facto* law, to recognition as a person before the law, to freedom of thought, conscience and religion—these rights, under no circumstances may be abrogated by any Parties to the First Covenant." I recognise perhaps, that this Covenant has not yet been signed. But, it does indicate how the mind of the civilised world is working. It is definitely recognised that even during emergencies, this right of freedom from arbitrary arrest is not to be suspended.

. It has been argued that our Constitution allows such a measure. Article 22 of the Constitution has been referred to. My hon. friend Mr. Chatterjee has characterised that as a blot on our Constitution, and that it is a disgrace to our Constitution. That article goes counter to the Declaration of universal human rights. It is very strange to argue that because such an article is there in the Constitution, because it is permissible to enact such a law, we must enact such a law. I should have thought that the hon. Home Minister would have taken the line that one should do what one ought and not what one can. That brings us to the question of the necessity of such a measure. It has been said that at the time of the adoption of this Constitution, there was a situation in the country which justified such an encroachment on the fundamental rights and such a provision in our Constitution. But, are these conditions still obtaining in our country? The disturbances in Saurashtra, the dacoities in Rajasthan and unrest in different parts of the country are quoted to justify that an emergency exists in our country. The hon. Home Minister has also said that he consulted all the State Governments before bringing this measure before this House and that it is the unanimous opinion of all the State Governments that such a measure should be enacted. But, I should have thought that the unanimity should have gone against the necessity of such a measure. We all know that the conditions in India all over the country are not such as to justify our saying that emergency conditions exist. It is conceivable that conditions may be bad in parts of the country. I could have conceded the existence of an emergency, and I think it would have strengthened the arguments of the hon. Home Minister if a few of the States where really the conditions were bad, had suggested the enactment of such an Act. But, when unanimously, every State, even those where there is complete peace and tranquillity, want continuance of such a measure, it is quite apparent that this thing, like a habit-forming drug, has gone to the head of the administration and they want to keep this arbitrary power with themselves, to use it as a short cut, because it is difficult to convince people by argument and tact, but it is very easy for the officers to have recourse to this arbitrary power whenever it pleases their whims. Therefore, this very argument should make this House suspicious of whether there is really an emergency existing in this country.

Now, much has been said about Saurashtra. Of course, we do not know what the facts are and what exactly is happening there. We hear all sorts of contradictory stories. We know that some of the ruling princes have also been detained. We know that the Ruler of Dhrol has been detained. The Ruler of Dhrol happens to be an elected Member of the Legislative Assembly of that State and it is said from the other side that it is for the purpose of suppress-

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ing the Opposition that such a detention order has been passed. Without knowing the facts, it is very difficult to judge. We may concede that there is such an emergency situation in Saurashtra. We are even prepared to concede that there might be such an emergency situation in some parts of the country. It would still have been better for the Government, if they at all felt the necessity of such a measure, to have restricted the measure to certain parts of the country. Why have a general law on the Statute Book of the country which is liable to be so much misused, which has, in fact, been so much abused, as numerous instances have already shown. Therefore, this measure is bad in theory and in practice, and such a law should not remain on the Statute Book.

I need not go into the other arguments because they have been already controverted and it is really very amazing to find the weakness of the arguments in support of the Bill. We were expecting that during the course of the debate, hon. Members who were supporting the Bill, would bring forward some cogent reasons, but we have been disappointed. All the arguments that have been brought forward are weak. They are not convincing. The hon. Member who just spoke before me quoted the provisions of the Criminal Procedure Code to justify preventive detention. He suggested that even the police have got powers to arrest, though not for the purpose of preventive detention. But that analogy does not apply to cases like this. There it is not preventive detention. It is arrest under suspicion and with the least possible delay, the man has to be produced before a Court of Law, and he has to be charged with the crime, if there is a crime. So, that analogy does not apply in this case. Some people have also argued that actually it is not detention without trial because there is an Advisory Board, but the procedure followed in the case of the Advisory Board is not the same as that followed in a judicial court. There, this right of cross-examination, this right of legal representation, all these things are allowed. It is said that there is need for secrecy, therefore there cannot be a public trial. It may be conceded that where there is need for secrecy, the trial may be held in secret. There is nothing to prevent it, but, why deny the right of legal representation, why deny the right of cross-examination. These are things which are conceded to people detained in similar circumstances, not exactly similar circumstances, but on suspicion.

Mr. Deputy-Speaker: One hon. Member cannot go on taking the time of the House.

Shri R. N. S. Deo: I am coming to the end, Sir.

Mr. Deputy-Speaker: He need not repeat what the others have said. He must also give an opportunity to others to speak.

Shri R. N. S. Deo: I will now end, Sir, by saying that even in other countries during emergencies, these rights are conceded to the detenus, and at least in peace time these should have been conceded here. But, Sir, in any case, I appeal to the Government to review their attitude and drop this Bill.

पंडित ठाकुरदास भार्गव (गुड़गांव) : जनाब डिप्टी स्पीकर साहब, अब एक बज गया है । अगर आपकी इजाजत हो तो मैं कल अपनी स्पीच शुरू करूं । अगर आप का हुक्म हो तो मैं दो एक फिकरे पेश कर दूं ।

Mr. Deputy-Speaker: It is nearing one O' Clock. The House stands adjourned to 3-30 P.M.

The House then adjourned till Half Past Three of the clock.

The House re-assembled at Half Past Three of the Clock.

[MR. SPEAKER *in the Chair*]

STATEMENT RE: FOOD SITUATION IN WEST BENGAL

Mr. Speaker: The hon. the Minister for Food and Agriculture will now make a statement on the Food Situation in West Bengal.

The Minister of Food and Agriculture (Shri Kidwai): Sir, I regret I was not present here when the two adjournment motions *re*: the food policy in West Bengal were moved in this House. I think there is some misunderstanding somewhere about the implementation of that policy. There were three portions to the policy that was laid down when I visited Bengal in the second week of June.

The first related to redress in distressed areas. There were two schemes. One was gratuitous feeding about which it was agreed that 5000 maunds of wheat and 5000 maunds of rice were to be issued and the people were to be fed without any charge and so long as the situation demanded additional releases of foodgrains would be made. That scheme was implemented immediately.

The second proposal was that wheat and rice in equal proportions should be sold at a very much reduced price. 10,000 tons of wheat and 10,000 tons of rice were immediately released there and have been sold at Rs. 15 a maund. This proposal was also immediately implemented.

The second portion of the policy was about greater concession. After studying the situation and after discussing with the Bengal Government it was agreed that the Centre will take over the responsibility of feeding Calcutta, and the Bengal Government will cordon off this area, so that no smuggling may be possible. We made this agreement in June and the question was one of implementing it for the next six months of this year and if necessary for the whole of next year. At that time Calcutta had in its stock actually 94 days' rationing stock. Therefore actually the question was about the remaining three months, when the rice procured by the Bengal Government which was still a rural area should remain in the rural areas. Before this scheme was evolved, the Bengal Government had asked the Centre to allot them one lakh tons of rice, and I had agreed to it. After this scheme was evolved, it was also suggested that some rice may be allotted which may be sold over and above the rations, so that the necessity for smuggling may not prevail. I agreed to this suggestion. The proposal was that 20,000 tons should immediately be placed at their disposal and an allotment for this purpose may be made to the extent of one lakh tons or whatever may be necessary. The balance from the one lakh was to be carried over for the next year. I returned and made arrangements in that direction, and two lakh tons were actually allotted. We cannot manage to despatch there all of the quantity allotted in one month. 44,000 tons actually reached the Bengal Government in the next month, *i.e.* for June and part of July. We allotted to Bengal the one lakh tons that we were importing from China. Out of this 37,000 tons reached there, while the balance is to come, in the course of this month and the next month. Therefore, it is wrong to say that the two lakh tons of rice was not allotted.

The third portion of the policy concerned the modification in the procurement system and the allowing of free movement in the area outside Calcutta. I think, if I may quote from the statement that I made in Calcutta on 12th June on which the decision was taken, it will be found that I said then that from next year the levy system will be introduced and after the introduction of the levy system, the ban on inter-district movement will be removed. I do not know where the misunderstanding has arisen. So far as the levy system being introduced and free movement being allowed are concerned, it will be found in my statement made on 12th June at Calcutta and published in all the papers that that was to come into force for the next year, after the procurement of the present *aus* crop has been made. Therefore that portion and only that portion was to come into force from next year, and all the other things were to be given immediate effect to, and they have been given immediate effect to also.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL.—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the Preventive Detention (Second Amendment) Bill. As we want to finish this stage of the Bill I would again appeal to the hon. Members not to take a long time for speeches. The points, as I said in the morning, have already been brought out, and hon. Members are practically repeating the same thing, the illustrations being different. So far as the principle is concerned, there is no new point that is coming in, and I find a large number of hon. Members anxious to say something, and they want to associate or dissociate themselves with the Bill, publicly and openly. That is the main cause of their desire to speak, but their speeches should be very short,—as short as possible.

पंडित ठाकुर दास भार्गव : (गुड़गांव) इस बिल पर कई रोज़ से बहस हो रही है। जो तक़रीरें मैं ने इस बिल पर सुनीं उन के सुनने के बाद मैं आप की सेवा में अदब से अर्ज़ करता हूं कि दर असल इस बिल का जैसा डिसपैशनेट कनसिडरेशन (dispassionate consideration) होना चाहिये था वह

(पंडित ठाकुर दास भार्गव)

इस हाउस में नहीं हो रहा है। रैक्रिमिनटिरी स्पीचेज़ (recriminatory speeches) ऐसी स्पीचेज़ (speeches) कि जो पुराने वाक़आत सन् १९४७-४८ को दोहराती हैं, हो रही हैं। वह बातें बार बार कही जाती हैं और एक दूसरे के ऊपर हमले किये जाते हैं, या ऐबस्ट्रैक्ट क्वश्चन्स (abstract questions) के ऊपर जिन की कि इस हाउस में कांस्टीट्यूशन (Constitution) के होते हुए इजाज़त नहीं होनी चाहिये थी, इस तरह के नुक़्ते ख्याल से इस बिल पर तक़रीरें हो रही हैं। मैं आप की ख़िदमत में इस बिल पर सिर्फ़ इस के क़ानूनी नुक्ते ख्याल से और इस के प्रैक्टिकल नुक़्ते ख्याल से अर्ज़ करूंगा।

इस हाउस में यह कहा गया है कि यह क़ानून कुदरती इन्साफ़ के ख़िलाफ़ है कहा गया है कि यह लौलैस ला (lawless law) है और किसी दूसरे मुल्क में ऐसा क़ानून नहीं है। बल्कि इस से भी बढ़ कर आज एक साहब जो कि मेरे से पहले बोले थे, महाराजा साहब पटना, उन्होंने यूनीवर्सल डिक्लेरेशन आफ़ ह्यूमन राइट्स (universal Declaration of Human Rights) में से चन्द एक आर्टिकल्स (articles) पढ़ कर सुनाये और हाउस में यह फ़रमाय कि यह बिल डिक्लेरेशन आफ़ ह्यूमन राइट्स के ख़िलाफ़ है। एक ऐतराज़ इस बिल के बारे में यह किया गया है कि फ़ंडामेंटल राइट्स (fundamental rights) के चैप्टर (chapter) में कैसे इसे हमारी कांस्टीट्यएंट एसेम्बली ने रख दिया और उस की वहां जगह नहीं है। यह फ़ंडामैंटल राइट है ही नहीं। मैं अदब से अर्ज़ करना चाहता हूं कि फ़िलवाक़ै यह चीज़ फ़ंडामैंटल राइट्स जो बनाये गये थे उन को पूरे तौर पर न समझने की वजह से ऐसा कहा जा रहा है। दर असल यह एक राइट (right) है और दफ़ा २२ में जो दर्ज है वह निहायत ज़बरदस्त फ़ंडामैंटल राइट है और यह उन उसूलों के मुताबिक़ है जो कि यूनीवर्सल डिक्लेरेशन आफ़ ह्यूमन राइट्स में दर्ज हैं।

मैं अदब से अर्ज़ करना चाहता हूं कि कि दरअसल किसी क़ानून को, किसी मामले को, ठीक नुक़्ते निगाह से देखने के वास्ते यह ज़रूरी है कि अव्वल तो उन हालात को देखा जाये जिन हालात में वह क़ानून बनाया गया और फिर उस कसौटी पर उतारा जाये जो क़ानून बनाने की आम तौर पर मक़बूल कसौटियां हैं। जिस वक़्त कि यह क़ानून कांस्टीटुएन्ट असेम्बली (Constituent Assembly) ने बनाया उस वक़्त कांस्टीटुएन्ट असेम्बली ने दफ़ा २१, दफ़ा २२ और दफ़ा २० यह तीन चीजें ऐसी बनाईं जो लाइफ़ एन्ड पर्सनल लिबर्टी (Life and Personal Liberty) के मुताल्लिक़ थीं। इस वक्त मैं जनाब का वक़्त दफ़ा २० को दुहरा कर या पढ़ कर ज़ाया नहीं करूंगा लेकिन दफ़ा २१ और २२ निहायत ज़रूरी हैं जिन को मुझे आप की ख़िदमत में अर्ज़ करना है। जहां तक कि जरायम का सवाल है, उस के वास्ते दफ़ा २१ बनाई गई। किसी शख्स को तब तक सज़ा न दी जायेगी जब तक कि उस क़ानून के मुताबिक़ नहीं होगा जोकि ला (Law) ने मुक़र्रर कर दिया है और यह चीज़ युनिवसल डिक्लेरेशन आफ़ ह्यूमन राइट्स में दर्ज है। अभी हमारे महाराजा साहब ने सुबह तक़रीर फ़रमाई और उन्होंने अपने आर्गुमेंटस् की स्पोर्ट (support) मे यनिवर्सल डिक्लेरेशन आफ़ ह्यूमन राइट्स में से कोट (quote) किया। मुझे अफ़-

सोस है कि क्रिमिनल आफ़ेन्सज (criminal offences) और प्रीवेनटिव डिटेंशन (Preventive Detention) में जो तमीज उन्हें करनी चाहिये थी, वह उन होंने नहीं की और अपनी रपोर्ट में उन होंने जितने आर्टिकल्स इस हाउस में पढ़ कर सुनाये, वह सब के सब क्रिमिनल आफ़ेन्सेज के मुताल्लिक़ हैं, लेकिन हमारा यह प्रीवेन्टिव डिटेंशन एक्ट क्रिमिनल आफ़ेन्सेज को टच (touch) ही नहीं करता है। दफ़ा २१ हमारे फ़ंडामेंटल राइटस् में है और उस का कोई सवाल इस हाउस में पैदा ही नहीं होता। इस हाउस के अन्दर जितनी मैं ने तक़रीरें सुनीं हैं, उन के अन्दर बड़ी भारी ग़लती यह है कि मेरे उन दोस्तों ने यह समझ रक्खा है कि दफ़ा २२ उन लोगों के खिलाफ़ इस्तेमाल हो सकती है जिन्होंने कि कोई जुर्म किया है, लेकिन हक़ीकत यह है कि दफ़ा २२ उन लोगों के लिये बनाई गई है जिन की निस्बत यह कहा जा सकता है कि उन पर एक शुबहा है कि वह फ़लां तरीक़े से अमल करेंगे और बिहेव (behave) करेंगे, ऐसे लोगों के खिलाफ़ दफ़ा २२ का इस्तेमाल किया जायेगा जिन के ऊपर सस्पिशन (suspicion) हो और जो कि एक कोर्ट आफ़ ला (Court of Law) में साबित नहीं हो सकता और जिस को अदालत के रूबरू पकड़ा नहीं जा सकता सिर्फ़ ऐसे लोगों के मुताल्लिक़ दफ़ा २२ का इस्तेमाल होगा और इसलिये अबतक जो बहुत सी रीज़निंगस (reasonings) यहां हाउस में की गई हैं, वह बिल्कुल एक ग़लत बुनियाद पर की गयी हैं और वह सब ग़लत साबित हो जाती हैं। यह कहना कि:

No person should be condemned before he is heard. This is a natural right. Who denies it?

यहां पर यह ज़ोर देना कि कांस्टीटयूशन में दर्ज है कि किसी शख्स को सजा नहीं होगी जबतक कि कोर्ट आफ़ ला में पूरी एवीडेंस (evidence) नहीं पेश होगी और उस शख्स को भी पूरा मौक़ा अपनी सफ़ाई के पेश करने का नहीं दिया जायेगा, उस का इस मौजूदा क़ानून से क्या ताल्लुक़ है। यहां पर सारी बहस इस बात की हुई है कि जिस शख्स को पकड़ा जाता है, उस को अपने डिफ़ेन्स (defence) का इस क़ानून के मातहत कोई मौक़ा नहीं है। मैं कहना चाहता हूं कि यह चीज़ बिल्कुल गलत है और लोगों ने इस के बारे में ऐसा एक ग़लत ख्याल अख्तियार कर रखा है। जहां तक प्रीवेन्टिव डिटेंशन का सवाल है, इस के मुताल्लिक़ एक भी दफ़ा इस क़ानून में ह्यूमन राइटस् में नहीं है, बल्कि जो तीन चार दफ़ायें हैं वह क्रिमिनल आफ़ेन्सेज के मुताल्लिक़ हैं। और मेरा यह दावा है कि यूनिवर्सल डिक्लेरेशन आफ़ ह्यूमन राइटस् में एक भी दफ़ा हमारी दफ़ा २२ के बरखिलाफ़ नहीं है और मैं चैलेंज करता हूं कि कोई भी शख्स उस में दफ़ा २२ के बरखिलाफ़ कुछ भी निकाल दे। मुझे तो शर्म आती है, जब मैं अपने क़ानून दां अशखास की ज़बान से यह सुनता हूं कि यह जो क़ानून हम बना रहे हैं, यह एक ला लेस क़ानून है। कौन नहीं जानता कि हम ने हिन्दुस्तान की सारी कंसंट्रेटेड विज़डम (concentrated wisdom) सारी मुत्तिफ़िक़ा विज़डम के सलाह मशविरे से इस क़ानून को बनाया और जिस कांस्टीट्यूशन के बनाने में हमारे डाक्टर श्यामा प्रसाद मुखर्जी और डाक्टर अम्बेडकर भी शामिल हैं। कांग्रेस ने बड़ी अक़्ल से काम लिया और कांस्टीटुएन्ट असेम्बली में कोई पार्टी देश की ऐसी नहीं छोड़ी जिस के बेहतरीन आदमी उस क़ानून के बनाने में वहां शिरकत न कर रहे हों, कांग्रेस ने देश के तमाम

[पंडित ठाकुर दास भार्गव]

बेस्ट ब्रनस् (best brains) को उस काम में शरीक़ किया और उन के सलाह मशविरे से यह क़ानून बनाया गया उस कांस्टीट्यूशन के मुताबिक़ ही यह हमारा मौजदा क़ानून ह, तो फिर मेरे दोस्त किस बिना पर यह कहते हैं कि यह लालेस क़ानून है । सुप्रीम कोर्ट के अन्दर जो ला है, और जिस को सुप्रीम कोर्ट ने क़रार दिया है कि फ़लां चीज़ ठीक है और फ़लां चीज़ ठीक नहीं है तो मैं अपने दोस्तों को बतलाऊं कि हमारा यह क़ानून भी सुप्रीम कोर्ट के अन्दर गया था और सिवाये इस की एक दफ़ा के जिसे सुप्रीम कोर्ट ने ग़लत क़रार दिया और हम ने बाद में लेजिस्लेशन (legislation) के द्वारा उस दफ़ा को भी सुप्रीम कोर्ट के हुक्म के मुताबिक़ दुरुस्त कर दिया । जिस क़ानून को सुप्रीम कोर्ट ने भी कह दिया हो कि वह सही ला है, उस के बाद भी लोग अगर यह कहे जायें कि यह लालेस कानून है, तो मेरी समझ में या तो वह लोग ला की तारीफ़ नहीं जानते या जान बूझ कर इसलिये ऐसा कहते हैं कि वह यह कहना पसन्द करते हैं कि यह लालेस क़ानून है । लेकिन मैं आप को बतलाऊं कि असलियत यह है कि हम लोग एक बड़े अर्से से खुसूसन् बूकला साहबान जो कोर्टस् के अन्दर प्रक्टिस करते हैं वह एक ऐसे एटमोसफ़ियर (atmosphere) में रहते हैं जो कि प्रैक्टिकल हालात से ज़रा दूर होता है, दिन रात क़ानूनों के जाल में उलझे रहते हैं और दुनिया में क्या हो रहा है, इस की कोई पर्वाह नहीं होती, मुवक्किलों से मुक़दमों में बड़ी बड़ी फ़ीस ले लेते हैं और आराम से सो जाते हैं, इसलिये उन्हें दुनिया में क्या होता है, इस का पता नहीं रहता, और इस वास्ते जब दुनिया में आ कर देखते हैं तो हमारी हालत दिगरगूं होती है और हम चौंक पड़ते हैं । यह लालेस क़ानून है, कहां से हम ने सीखा, किस को लालेस कहते हैं । सन् १२१५ में मैग्नाकार्टा (Magna-Carta) बना था, सन् १६७८ में डिक्लेरेशन आफ़ राइट्स् (declaration of rights) बना और १७८८ में फ्रन्च रैवोल्यशन (French Revolution) हुआ था :

No man shall be condemned without being heard. It is quite true.

यहां सन् १९५० में जो हम ने क़ानून बनाया यह एक ऐसी चीज़ के मुताल्लिक़ था कि लोग कहते हैं कि ऐसा क़ानून न अमरीका में है और न विलायत में है । अगर दोनों जगह ऐसा क़ानून नहीं है, तो मैं अदब से अपने उन दोस्तों से पूछना चाहता हूं कि आख़िर फिर इस क़ानून के उसूल कहां से लिये गये हैं और कौन कह सकता है कि यह लालेस क़ानून है ? मेरी अदब से गुज़ारिश है कि इस से अच्छा क़ानून मौजूदा हालात में जो दफ़ा २२ के अन्दर है हम नहीं बना सकते थे और न ही कोई दूसरी स्टेट बना सकती है । जनाबवाला हमें क़ानून में इस बात की इजाज़त थी कि हम इस को कांस्टीट्यूशन की रू से एक परमानेन्ट (permanent) क़ानून बनाते और जिस के अन्दर तीनों चीज़ें लिखी होती कि वह क्या अर्सा होना चाहिये कि जिसके अन्दर एक आदमी को बग़ैर ट्रायल (trial) डिटेंशन में रखा जा सके और क्या वह हालात होने चाहियें कि जिन में बिना ऐडवाइज़री बोर्ड (Advisory Board) को रेफ़र (refer) किये हुये गवर्नमेंट एक शख़्स को तीन महीने से ज्यादा कैद में रख सके और अगर ऐडवाइज़री

बोड बने तो क्या उस के उसूल व जाबता होने चाहियें यह सब दफा २२ में दर्ज है, और सरकार इस को एक परमानेन्ट कानून बना सकती थी, लेकिन उस ने ऐसा न कर के हालात को देखते हुए जब जब जरूरत पड़े, इस कानून को ऐक्सटेंड (extend) करते जाना और मुनासिब सुधार और तब-दीली करते जाना ही मुनासिब समझा। जनाब को बखूबी मालूम है कि इस सरकार में वह लोग शामिल हैं और उन लोगों की यह सरकार है जिन्होंने पिछले जमाने में इस प्रीवेन्टिव डिटेंशन ऐक्ट के मातहत कितनी ही मुसीबतें झेलीं और कैद में रहे, उन लोगों के लिये मेरे दोस्तों का आज यह कहना कि वह प्रीवेन्टिव डिटेंशन ऐक्ट को जानते नहीं हैं और उन को इस के बारे में किस्से सुनाना, यह जायज और दुरुस्त नहीं है। हमारी सरकार ने इस को पक्का कानून बनाना पसन्द नहीं किया, इस कानून को जिस को हमारे एन० सी० चटर्जी फरमाते हैं कि यह हमारे ऐडमिनिस्ट्रेशन (Administration) पर एक ब्लाट (blot) है, काटजू साहब हमारे पसन्द नहीं करते कि यह परमानेन्ट कानून बने। इसी लिये सरदार साहब ने सब से पहले इस को एक साल के लिये करवाया था और इस को पास करवाते वक्त उन्होंने भी कहा कि हम इसको परमानेन्ट फीचर (permanent feature) नहीं बनाना चाहते हैं, फिर इस को रिन्यू (renew) किया गया और इस में तरमीम की गई, लेकिन यह हर मर्तबा कहा गया कि हम इस को परमानेन्ट फीचर नहीं बनाना चाहते। यह भी कानून बना दिया गया कि हर एक केस ऐडवाइज़री बोर्ड के पास जायेगा, हालांकि कांस्टीट्यूशन में यह है कि कुछ खास ऐसी सूरतें हो सकती है जिन में तीन महीने से ज्यादा किसी आदमी को बिला ऐडवाइज़री बोर्ड के सामने पेश किये हुए कैद में रखा जा सकता था, लेकिन हम ने ऐसा कानून नहीं बनाया और कहा कि हर केस ऐडवाइज़री बोर्ड के सामने जाये। जनाबवाला देखें कि आहिस्ता आहिस्ता यह कानून हम ठीक करते जा रहे हैं और पहले पहले जब सरदार साहब इस को लाये एक साल के लिये तो उन्होंने फरमाया कि यह एक ही सिटिंग (sitting) में पास हो जाना चाहिये और चुनांचे यह कानून उसी वक्त पास हो गया, उस वक्त हालात और तरह के थे, उस के बाद दोबारा यह फिर ऐक्सटेंशन के लिये पेश हुआ, बहुत बहस मुबाहिसा हुआ और लोगों ने उस में बहुत हुज्जतें पेश की और हमारी गवर्नमेंट ने उस कानून के अन्दर हमारी कुछ तरमीमों को भी माना जिस के अनुसार ऐडवाइज़री बोर्ड को यह अख्तियार दिया गया कि अगर वह चाहे तो उस शख्स को अपने सामने तलब कर सके और उस की भी बात सुन सके और आज जनाब वाला उन तरमीम के मुताबिक हर शख्स को यह हक़ दिया जाता है कि बतौर हक के ऐडवाइज़री बोर्ड के सामने जाये और उस के सामने अपनी कहानी पेश कर सके। पिछले क़ानून के अन्दर हर एक कलक्टर, डिस्ट्रिक्ट मैजिस्ट्रेट और एडीशनल डिस्ट्रिक्ट मैजिस्ट्रेट और कलकत्ता के पुलिस कमिश्नर को यह अख्तियार हासिल था कि अगर कोई शख्स इस कानून की ज़द में आवे तो वह उस को गिरफ्तार कर सकते थे और फिर लोकल गवर्नमेंट (Local Government) को रिपोर्ट कर देते थे, और लोकल गवर्नमेंट को उस गिरफ़तारी के हुक्म पर कनफर्म (confirm) करने की कोई जरूरत नहीं रहती थी, लेकिन आज जो यह नया बिल आया है, इस में लोकल गवर्नमेंट प्राविन्शयल गवर्नमेंट के उपर एक ड्यूटी

[पंडित ठाकुर दास भार्गव]

(duty) डाली गयी है कि वह उस केस को देखे, पन्द्रह दिन के अन्दर उस केस की रिपोर्ट हो, और गवर्नमेंट यह देखे और तय करे कि आया यह अख्तियार ठीक इस्तेमाल हुआ है या नहीं, इतना ही नहीं लोकल गवर्नमेंट की इस में यह ड्यूटी बतलाई गई है कि वह उस केस की रिपोर्ट सैन्ट्रल गवर्नमेंट (Central Government)के पास भेजे और सेंटर की गवर्नमेंट को यह अख्तियार दिया गया है कि वह इस बारे में अपना निर्णय दे । मुझे यह मानने में कोई ताम्मुल नहीं है कि जैसा कहा गया है कि यह सख्त क़ानून है और इस के ऐप्लीकेशन (application) में लोगों को बहुत दुश्वारियां पेश आई हैं, बहुत सी सूरतों में ग्राउन्डस् (grounds) नहीं दिये गये हैं और बहुत से केसेज़ में लोगों के साथ सख्तियां हुई हैं, मैं इन सब शिकायतों को मानने को तैयार हूं, क्योंकि यह वाक़या है और हकीक़त है कि जो नोबुल स्प्रिट (noble sprit) आज यहां के हमारे बीस मिनिस्टर्स के अन्दर मौजूद है, वह सारे ऐडमिनिस्ट्रेशन के अन्दर मौजूद नहीं है वह नोबुल स्प्रिट हमारे सारे सरकारी अफ़सरान के दिलों में परकुलेट (percolate) नहीं कर पायी है ।

मैं हर्गिज़ यह मानने को तैयार नहीं हूं कि यहां जो क़ानून हम पास करते हैं उस के लोकल ऐप्लीकेशन (local application) में खराबियां नहीं होतीं । मेरे लायक़ दोस्त ने जो ख़राबियां सुनाईं, श्री गोपालन ने जो बहुत सारे किस्से सुनाये, ऐन० सी० चैटर्जी साहब और दूसरे साहबान ने जो मिसालें बताईं, मैं नहीं कहता कि उन में सच्चाई नहीं है । लेकिन मैं जानना चाहता हूं कि दुनियां के अन्दर कौन सा क़ानून है जिस के अन्दर बेइन्साफ़ी नहीं होती, जिस के अन्दर शिकायतें नहीं होतीं और जिन का ख़राब यूज़ (use) नहीं होता । जनाब को मालूम है कि आज पेनल कोड (penal code) और दूसरे क़ानूनों के अन्दर पचास फी सदी कन्विक्शन्स (convictions) होते हैं और कम से कम पचास फी सदी मुकदमे खारिज हो जाते हैं । पचास फ़ी सदी मामलों का चालान दुरुस्त नहीं होता । चूंकि हर केस में सजा नहीं होती और न हर केस में इनसाफ़ होता है इस लिये शिकायतें होती हैं, लेकिन जनाब के सामने यह सवाल नहीं है, कि प्रिवेन्टिव डिटेंशन (preventive detention) में भी सारे आदमी सही नहीं होते । इस बिल को सिलेक्ट कमेटी (select committee) में ले जाना चाहते हैं । मैं ने चन्द तरामीम के नोटिस दिये हैं और हमें उन पर ज़ोर देना चाहिये ताकि हमारे कानून के अन्दर इस तरह की शिकायतें न हो सकें जिन का ज़िक्र किया गया है । लेकिन यह चीज बिल्कुल मुख्तलिफ़ है इस चीज़ से कि यह कानून ही नहीं होना चाहिये । हमारे कान्स्टिट्यूशन में अव्वल दर्जे का फंडामेन्टल राइट हैं । मैं हाउस को दफा ३५५ पढ़ कर सुनाना चाहता हूं जिस के अन्दर हिन्दुस्तान की पैंतीस करोड़ आबादी के लिये एक फंडामेन्टल राइट ग्रान्ट किया था । दफा ३५५ में जो कुछ लिखा है वह इस तौर पर है :

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

मैं अदब से अर्ज़ करना चाहता हूं कि यहां पूछा जाता है कि इस में क्या फंडामेन्टल राइट दिया गया है । मैं कहना चाहता

हूं कि यह ३५ करोड़ आदमियों का फंडामेन्टल राइट है कि स्टेट (State) के अन्दर, भारत की जो सरकार है उस सरकार के अन्दर इन्टेग्रिटी (integrity) कायम रहे, भारत सरकार के अन्दर हर एक आदमी को भूख से बचाया जाये और हर एक आदमी को इंसाफ़ मिले, सरकार एक्स्टर्नल एग्रेशन (external aggression) को रोक सके, और इन्टर्नल कमोशन (internal commotion) न होने दे इसलिये यह जिम्मेदारी जो दफ़ा ३५५ में यूनियन गवर्नमेंट की है वह सारे देश का फंडामेन्टल राइट है अगर इस की रू से चन्द आदमियों को बेजा तकलीफ होती है, तो उसका हमें सख्त अफसोस है। हम नहीं चाहते कि किसी को तकलीफ हो, लेकिन अगर अनएवायडेबल (unavoidable) चीजें हो जाती हैं तो उन की तरफ़ देश को ध्यान नहीं देना चाहिये, और अगर ध्यान देना है तो बहुत सी चीजें हैं जिन को हमें बर्दाश्त करना पड़ता है। यह मैं कहना चाहूंगा। जहां हमारा यह फंडामेन्टल राइट है वहीं दफा २२ में यह दर्ज है :

"Protection against arrest and detention in certain cases."

यहां भी प्रोटेक्शन (protection) का लफ्ज दर्ज है कि प्रोटेक्शन क्यों है। शायद कहीं इन्डिस्क्रिमिनेट अरेस्ट (indiscriminate arrest) वगैरह हो जाये तो गिरफ्तारी के बाद खास कानून के अन्दर उन को कार्यवाही करनी होगी। हर एक आदमी के लिये इन्डिविजुअल फंडामेन्टल राइट (individual fundamental right) भी है, अगर उस के अंदर यह न होता कि कभी कोई आदमी प्रिवेन्टिव डिटेन्शन ऐक्ट के अन्दर गिरफ्तार हो जाये तो उस का बचाव न हो अगर कान्स्टिट्यूशन में से दफ़ा २२ निकाल दें तो सारे का सारा फंडामेन्टल राइट अधूरा रह जाता है। दफ़ा २१ में दर्ज है कि किसी आदमी को किसी जुर्म के लिये सज़ा नहीं हो सकती जब तक उस को क़ानून के मुताबिक़ सज़ा न दी जाये। लेकिन दफ़ा २२ के अन्दर दर्ज है कि अगर किसी को पुलिस अरेस्ट कर ले तो उस के साथ क्या किया जाये। रामास्वामी साहब ने बताया कि पुलिस को कहां तक हक़ हासिल है। मैं जनाब का वक़्त ज़्यादा नहीं लेना चाहता वरना मैं जनाब को दिखाता कि हमारे यहां जितनी स्पीचें हो रही हैं, और डिस्कशन (discussion) हो रहा है उस में सिर्फ़ यह कहा गया है कि पुलिस को क्या हक़ है। आज किसी आनरेबल मेम्बर ने नहीं कहा कि क्रिमिनल प्रोसीजर कोड (Criminal Procedure Code) को खत्म कर दो, किसी ने बिल पेश नहीं किया कि इंडियन पेनल कोड को हटा दो। उन की रू से जो अख्त्यार है और दफा २२ में जो अख्त्यार है उस में बहुत फ़र्क नहीं है। गो कि मैं मानता हूं कि उस का ठीक इस्तेमाल होना चाहिये। इस के लिये यह कहा गया है कि जब आर्डिनरी ला आफ दि लेंड (ordinary Law of the Land) से काम न चल सके तभी यह इस्तेमाल किया जाये। इस प्रिवेन्टिव डिटेंशन (Preventive Detention) के क़ानून के ज़रिये किसी आदमी को सज़ा नहीं दी जा सकती। यह एक्ट प्यूनिटिव (punitive) तो है ही नहीं। इसमें आदमी को क़ानूनन तकलीफ़ नहीं दी जा सकती। यह प्यूनिटिव डिटेन्शन नहीं है, यह प्रिवेन्टिव डिटेन्शन है। हम इस लिये किसी आदमी की आज़ादी छीनते हैं कि वह इस स्टेट को कोई नुक़सान न पहुंचा दे, हम उस को और कोई तकलीफ़ नहीं देना चाहते हैं यह बात

[पंडित ठाकुर दास भार्गव]

बिल्कुल साफ़ है। इसलिये मैं अर्ज़ करूंगा कि अगर कोई शख्स जुर्म करता है तो उस को इस एक्ट के मातहत हर्गिज़ नहीं आना चाहिये। इस से इस स्टेट को ही नुक़सान जो शख्स इस प्रिवेन्टिव डिटेन्शन (Preventive Detention) की ज़द में आता है वह ज़्यादा से ज़्यादा १२ महीने की जेल पा सकता है, वह भी सिम्पल (simple) और ढाई रुपया रोज़ उस के खाने पर खर्च आता है जब कि एक मामूली क़ैदी पर बहुत कम खर्च होता है। इन दोनों के अन्दर फ़र्क़ क्या है। दफ़ा २२ के अन्दर दर्ज है दोनों तरह के अश्खास के वास्ते। अगर एक आदमी को पुलिस मामूली जुर्म में गिरफ़्तार करेगी और दूसरे को प्रिवेन्टिव डिटेन्शन के मातहत तो दोनों के वास्ते हिदायतें दी हुई हैं। उस में लिखा हुआ है कि जितनी जल्द हो सके उन को डिटेन्शन के ग्राउन्ड्स दे दी जाये। दोनों के वास्ते एक सा हुक्म है। इसलिये दफ़ा २२ (५) में दर्ज है कि उन को फ़ौरन, ऐज़ सून एज मे बी (as soon as may be) बतलाया जाये कि उनके खिलाफ़ क्या चार्जेज़ (charges) हैं और उन को मौक़ा दिया जाये कि वह अपना रिप्रेज़ेन्टेशन (representation) कर सकें।

इस के अलावा जनाब मुलाहज़ा फर्मायेंगे कि एक मामूली ऐक्यूज़्ड (accused) को २४ घंटे में मैजिस्ट्रेट के सामने पेश करने की शर्त है उस के बाद इस में अगर पुलिस चाहे तो १५ दिन तक अपनी कस्टडी (custody) में रख सकती है, और डिस्ट्रिक्ट मैजिस्ट्रे ऐडिशनल डिस्ट्रिक्ट मैजिस्ट्रेट या कमिश्न आफ़ पुलिस बम्बई और कलकत्ता चाहे तो रिमांड (remand) ले कर पंद्रह पंद्रह दिन कर के और भी अरसा कस्टडी में रखा जा सकता है। लेकिन अगर प्रिवेन्टिव डिटेन्शन में गिरफ़्तार करना होगा तो फ़ौरन गिरफ़्तारी की वजूहात देने होंगे। इस के वास्ते बहुत साफ़ शरायत दी हुई हैं।

मेरे लायक़ दोस्त डा० जयसूर्य साहब ने सवेरे अपनी तक़रीर में बहुत सी बातें कहीं, मेरे दिल में उन के वास्ते बहुत इज़्ज़त है क्योंकि वह मिसेज़ सरोजनी नायडू के फ़र्ज़न्द अर्जमन्द हैं। लेकिन जब उन्होंने आज बर्क (Burke) साहब की स्पीच पढ़ कर सुनायी तो मुझे बहुत पुरानी बात याद आ ग कि बर्क़ साहब ने आरबिट्रेरी (arbitrary) लफ़्ज़ पर कैसी ज़ोर की बहस की थी। लेकिन वह बहस यहां पर लागू नहीं हो सकती मैं तो कहना चाहता हूं कि आरबिट्रेरी चीज़ रह हो कहां जाती है जब कि गवर्नमेंट पाबन्द है कि आदमी को ऐडवाइज़री बोर्ड के सामने पेश करे। और अगर ऐडवाइज़री बोर्ड का यह फ़ैसला हो कि काफ़ी वजूहात नहीं हैं तो गवर्नमेंट को अख्तियार नहीं है कि किसी शख्स को एक दिन भी कस्टडी में रख सके। ऐडवाइज़री बोर्ड की तमाम फ़ेहरिस्त श्री राजगोपालाचार्य साहब ने हमारे सामने पढ़ कर सुनाई थी। आज जितनी बहस मैं ने सुनी, किसी साहब को मैं ने यह कहते नहीं सुना कि जहां तक ऐडवाइज़री बोर्ड का ताल्लुक़ है उस के आदमी ठीक नहीं हैं, वह गवर्नमेंट के आदमी हैं, सरकार के येस मेन (Yes men) हैं, वह झूठी चीज़ कहते हैं वह बेजा तौर पर लोगों के साथ ग़द्दारी करते हैं, एक साहब ने भी यह नहीं कहा जिन लोगों की फ़ेहरिस्त पढ़ कर सुनाई गई थी उन के बारे में क्या शुबाह हो सकता

है कि वह इन्डेपेन्डेन्ट (independent) आदमी नहीं हैं। जो मुक़दमे १०७ और ११० के अदालतों में आते हैं, वह डेढ़, दो वर्ष तक चलते हैं। आज १०७ में और इस क़ानून में क्या फ़र्क़ है। अगर एक आदमी रांगफ़ुल (wrongful) काम करता है तो पुलिस का सब इन्स्पेक्टर उसे गिरफ्तार कर सकता है, अगर वह ब्रीच आफ़ दी पीस (breach of the peace) करता है, या उस का जुर्म करने का इरादा है तो एक सब इन्स्पेक्टर उसे गिरफ्तार कर सकता है। आखिर इन में क्या फ़र्क़ पड़ता है। कोई खास फ़र्क़ नहीं है सिवा इस के कि इस में गिरफ़तार शख्स को अदालत में ले जाना होता है, और यह काफ़ी नहीं है कि उसे अदालत में ले जाया जाये, उस को हक़ है कि वह वकील करे, और अपने लिये जिरह करे। इस में क्या हक़ है। अदालतों में तो केसेज (cases) बरसों चला करते हैं, लेकिन यहां पर जल्द से जल्द यहमामला खत्म किया जाता है।

4 P.M.

और इस के आगे जनाबवाला मुलाहिजा फ़रमायें। जब कि एक हालत में एक इन्सान रियल (real) जुर्म में पकड़ा जाता है, इस हालत में शुबहा में पकड़ा जाता है। उस के पास्ट रिकार्ड (past record) को देख कर, उस के मूवमेंट्स (movements) को देख कर शुबहे में उसको पकड़ा जाता है। मैं अदब से पूछना चाहता हूं कि जिन लोगों को शुबहे में पकड़ा जाये वह क्रास ऐग्जामिनेशन (cross examination) किस चीज पर करेंगे। कैसे वह गवाह बुलायेंगे, कैसे उन का ट्रायल (trial) होगा। हां जहां कहीं ओवर्ट ऐक्ट (overt act) की बात हो वहां पर शहादत हो सकती है और उस के लिये गवाह भी हो सकते हैं। अगर उस के खिलाफ़ यह चार्ज हो कि उस ने कलकत्ते में ओवर्ट ऐक्ट किया तो वह यह शहादत दे सकता है कि वह उस दिन कलकत्ता में नहीं था। इसी वास्ते में चाहता हूं कि ऐडवाइज़री बोर्ड को यह ताक़त दी जाये कि किसी भी केस में वह गवाह भी बुला सके और डाक्यूमेंट्स (documents) भी ऐग्जामिन कर सके। ऐडवाइज़री बोर्ड में बड़े अच्छे और तजुर्बाकार अदामी होंगे। आज मैजिस्ट्रेट नया नया आता है। कालिज से निकलने के बाद नौ महीने की ट्रेनिंग के बाद वह चाहे जिस आदमी को दो साल की सज़ा कर देता है। लेकिन यह ऐडवाइज़री बोर्ड के आदमी हाई कोर्ट के जज होंगे। यह दस साल से कम प्रैक्टिस वाले ऐडवोकेट (advocate) नहीं होंगे। यह बड़े तजुर्बेकार होंगे। उन को यह ताक़त दे दी जाये कि अगर वह किसी शख्स को बुलाना चाहें तो उस को बुला सकें। मैं ने पहले भी यह तजवीज़ की थी। जब यह मामला कांस्टीट्यूएंट असेम्बली के सामने था तो एक आफ़िशियल अमेंडमेंट (official amendment) आया था कि यह अरसा एक साल से ज्यादा नहीं होना चाहिये उसे बहुत से लोग जिन में मैं भी था एक साल भी नहीं रखना चाहते थे। हम को एक साल भी जरूरत से ज्यादा मालूम होता था। लेकिन जनाबवाला यह तजवीज़ की गई कि यह बात आयन्दा पार्लियामेंट पर छोड़ दी जाये महज़ शुबहे में पकड़ लेने के बाद इस से ज्यादा अरसे तक डिटेन (detain) करने की जरूरत नहीं है। इसलिये मैं अर्ज़ करना चाहता हूं कि एक साल से ज्यादा डिटेन न किया जाये। इस वक़्त जो क़ानून है उस की रू से यह चीज १५ महीने तक हो सकती है। इस बारे में मेरे

[पंडित ठाकुर दास भार्गव]

दोस्त कृष्णास्वामी ने इस हाउस में अर्ज़ किया था कि विलायत के अन्दर क़ानून यह है कि वहां के होम मिनिस्टर सरटीफ़ाई (certify) करते हैं कि इस केस को मैं ने देख लिया है, इस केस में यह जरूरी है कि इस आदमी को डिटेन किया जायें। हमारे देश में मुझको यह मुमकिन नजर नहीं आता है कि हमारे होम मिनिस्टर साहब हर एक केस को देख सकें क्योंकि यहां ऐसे हालात बन सकते हैं कि जहां पर बहुत ज्यादा इस किस्म की ऐप्लीकेशन्स हों। हम दरजे ब दरजे आगे बढ़ रहे हैं। पहले यह क़ानून था कि अगर डिस्ट्रिक्ट मैजिस्ट्रेट गिरफ़्तार करता था तो वह उस मामले को लोकल गवर्नमेंट को रैफ़र कर देता था। अब हम ने यह तबदीली इस क़ानून में की है कि लोकल गवर्नमेंट इस को कन्फ़र्म (confirm) करे। मैं चाहता हूं कि हमारी सेंट्रल गवर्नमेंट इस काम को करे क्योंकि सेंट्रल गवर्नमेंट पर लोगों को बहुत ज्यादा भरोसा है बमुक़ाबले स्टेट्स गवर्नमेंट्स को मैं सेंट्रल गवर्नमेंट पर इस मामले की ज़िम्मेदारी डालना चाहता हूं कि सेंट्रल का वह मिनिस्टर, जिस की जिम्मेदारी ला एंड आर्डर (law and order) की हो जब तक वह इस को कनफ़र्म न कर दे उस वक़्त तक वह डिटेंशन पक्का न हो। एक चीज़ इस बारे में मैं खास तौर पर अर्ज़ करना चाहता हूं। मैं यह तरमीम चाहता हूं जिस का श्री गोपालन साहब ने जिक्र किया है। इस में शक नहीं है कि एक शख़्स को डिटेन करने से पहले यह देखा जाय कि इस के एंटीसिडेंट्स (antecedents) क्या हैं और यह पहले डिटेन हो चुका है या नहीं। लेकिन मैं कहना चाहता हूं कि क़ैद की मीयाद भुगतने के बाद हर एक शख़्स जेंटिलमैन (gentleman) बन जाता है। अगर एक आदमी एक दफ़ा डिटेन हो चुका है तो उस को दोबारा उसी ग्राउंड पर डिटेन करना ठीक नहीं। जब तक फ्रेश काज़ (fresh cause) न हो उस वक्त तक उस आदमी को उसी मामले के बारे में दोबारा डिटेन नहीं किया जाना चाहिये। यह हमारे कांस्टीट्यूशन की दफ़ा २० के प्रिंसिपल के खिलाफ़ है। उस में दिया हुआ है :

"No person shall be prosecuted and punished for the same offence more than once."

यहां तो कोई प्रासीक्यूशन (prosecution) भी नहीं और कोई पनिशमेंट (punishment) भी नहीं है। यहां तो सिर्फ़ डिटेंशन है। इसलिये बिला फ्रेश काज़ के उस शख़्स को उसी काज़ पर दोबारा डिटेन नहीं करना चाहिये। मैं अदब से गुज़ारिश करना चाहता हूं, जनाबवाला, कि यह तीन चार बातें इस में से अलग कर दी जायें जिन के बारे में शिकायत है। लेकिन जो मेरा क्रिटिसिज्म (criticism) है और जो मैं अर्ज करना चाहता हूं अपने दोस्तों से वह किसी क़दर मुख़्तलिफ़ है। तरमीम क़ानून में की जायें ताकि क़ानून अच्छा हो जायें। लेकिन क़ानून को ही खत्म कर दिया जाये यह दुरुस्त नहीं है –

जनाबवाला १५ अगस्त, १९४७ को जब मैं पार्लियामेंट को आ रहा था तो मैं यह उम्मीद लिये आ रहा था कि आज हिन्दुस्तान को आज़ादी मिलेगी। उस रोज़ मैं ने रास्ते में देखा कि कम से कम तीन सौ आदमी स्वराज्य के खिलाफ़ मशालें हाथ में लिये हुए नारे लगा रहे

थे। वह चाहते थे कि हम को स्वराज्य न मिले। क्या हम को याद नहीं कि उस वक़्त जो हमारे राजे महाराजे थे उन्होंने किस तरह उस के ख़िलाफ़ काम किया वह हमारे लीडर्स (leaders) महात्मा गांधी व नेहरू व पटेल साहब के निशाने बना बना कर उन पर बन्दूक़ें और पिस्तौलों की गोलियां चलाने की मश्क़ें करते थे। मैं उस सारी हिस्ट्री (history) को दुहराना नहीं चाहता। लेकिन मैं यह अर्ज़ करना चाहता हूं कि जब देश के अन्दर यह हालात थे, जब वेस्ट और ईस्ट पाकिस्तान से लाखों की तादाद में लोग यहां पर आ रहे थे, देश के अन्दर गवर्नमेंट का बायकाट (boycott) और सिविल रेजिस्टेंस (civil resistance) हो रहा था, उस जमाने में उस गवर्नमेंट ने जो कि उस वक़्त बरसरे इक़्तिदार आई थी और जिस के आदमियों को ऐक्सपीरियेंस (experience) नहीं था, उन को ऐक्सपीरियेंस था इस चीज़ का कि ऐलियन गवर्नमेंट (alien Government) से यहां की आज़ादी को किस तरह से लें पर ऐडमिनिस्ट्रेशन का ऐक्सपीरियेंस नहीं था। अगर उस ज़माने में हम ने यह क़ानून पास किया, तो उस के लिये देश के लोगों को हमारी गवर्नमेंट को क्रेडिट (credit) देना चाहिये जिस ने अमन अमान कायम रखा। इसकी जिम्मेदारी हमारे डा० श्यामा प्रसाद मुखर्जी की भी उतनी ही थी जितनी कि और मिनिस्टर साहिबान की। आज मैं उस वक़्त के सारे के सारे हालात को दुहराना नहीं चाहता। मुझ से पहले अभी जिन साहब ने तक़रीर की उन्होंने कहा कि मैं यह तसलीम कर सकता हूं कि हो सकता है कि सौराष्ट्र के अन्दर ऐसे हालात हों जहां कि इस ऐक्ट की ज़रूरत हो। हमारे भाई नथवानी जी ने, जो कि सौराष्ट्र से आते हैं हम को बतलाया कि वहां हालात ऐसे हैं कि वहां इस ऐक्ट की ज़रूरत है मेरे एक दोस्त ने राजस्थान के बारे में किस्सा सुनाया कि वहां क्या हालात हैं राजस्थान के बारे में तो मैं ख़ुद भी काफ़ी जानता हूं। और दूर जाने की क्या ज़रूरत है। ज़िला हिसार में पैप्सू में जो हालात हो रहे हैं वह इस क़िस्म के हैं वहां इस की सख़्त ज़रूरत है। वहां आदमियों को किडनैप (kidnap) किया जाता है। एक गिरोह ने एक सेठ को गिरफ़्तार कर लिया और कहा कि चालीस हज़ार रुपये दो तो छोड़ेंगे। कभी किसी के बच्चे को किडनैप कर लेते हैं। यह जुर्म तो हमेशा होते रहे हैं लेकिन अब जो यह जुर्म हो रहे हैं यह कांसपिरेसी (conspiracy) के किस्म के जुर्म हैं। ऐसे लोग यह जुर्म करवाते हैं जिनके ख़िलाफ़ कोई ऐवीडेंस (evidence) अदालती कार्यवाही के लिये नहीं है। अब लोग इस देश में कहते हैं कि हमारा ऐवीडेंस ऐक्ट पुराना हो गया है, यह ज़माने के मुताबिक़ नहीं है। उन का कहना है कि जिस तरह ज़माना तबदील होता रहता है उसी तरह जुर्म करने वाले भी तबदील होते रहते हैं और उन के तरीक़े तबदील होते रहते हैं। तो उस के साथ ही क़ानन में भी तबदीली होनी चाहिये। मैं अदब से अर्ज़ करूंगा कि हमारे देश में जो हालात हैं वह दूसरे मुल्कों में नहीं हैं और किसी मुल्क से हमारा मुक़ाबला नहीं किया जा सकता। मैं अदब से अर्ज़ करना चाहता हूं कि हम ने विलायत में यह देखा है कि वहां पर मलिका मुअज़्ज़मा को बच्चा होते वक़्त उतना ही कपड़ा दिया जाता है जितना कि एक मज़दूर औरत को दिया जाता है। कुछ दिन हुए हमारे ऐम्बेसेडर साहब विलायत तशरीफ़ ले गये थे। वहां पर चीनी का राशन

[पंडित ठाकुर दास भार्गव]

था। उन को कुछ शुगर के कूपन्स मिले थे। उन्होंने उन में से कुछ अपने शोफर को देना चाहे तो उस ने कहा कि क्या आप मुझ को अपने मुल्क के खिलाफ़ करना चाहते हैं। मैं ने हाउस में कहा था कि मैं नहीं जानता कि कितने ऐसे आदमी हैं कि जिन्होंने यहां ब्लैक मारकैटिंग (Black marketing) न किया हो सिर्फ़ एक साहब ने तरदीद की अभी हमारे दोस्त ऐन० सी० चटर्जी साहब ने, जो कि एक मशहूर क़ानून दां हैं और मशहूर तक़रीर करने वाले हैं, अपने अनडाइंग (undying) अल्फ़ाज में कहा कि हुकूमत को डिकंट्रोल (decontrol) कर देना चाहिये इस रिप्रसिव ऐक्ट का। यहां रिप्रेशन (repression) तो है नहीं। पर मैं अदब से अर्ज करना चाहता हूं कि आज इस मुल्क के लिये यह बहुत जरूरी है कि यहां डिकंट्रोल फूड का कर दिया जाये। लेकिन मैं आप से पूछता हूं कि किस तरह इस डिकंट्रोल को कामयाब बनाया जा सकता है। आज इस डिकंट्रोल की वजह से लोगों के दिल में जोश है और वह कहते हैं कि हम अपने देश में खूब गल्ला पैदा करेंगे और ऐसा इन्तिजाम करेंगे कि बाहर से न मंगाना पड़े। हम अपने मुल्क में साढ़े बारह करोड़ रुपया खर्च करके भी गल्ले की पैदावार की कमी को पूरा नहीं कर सके हैं। तो अगर इस डिकंट्रोल को कामयाब बनाना है तो इस पावर को गवर्नमेंट के पास रहना चाहिये क्योंकि यहां बड़े बड़े होर्डर्स (hoarders) और प्राफिटियर्स (profiteers) और ब्लैकमारकेटियर्स हैं। उन सब को गवर्नमेंट इस ऐक्ट के मातहत खत्म कर सकती है। मैं अदब से अर्ज करूंगा कि इस देश के अन्दर अनाज काफ़ी है और होर्डिंग की वजह से हम को अनाज नहीं मिलता। अगर यह पावर (power) नहीं दी जायेगी तो इस देश के अन्दर उन बड़े बड़े ताजिरों पर हम क़ाबू नहीं हासिल कर सकेंगे जो कि हजारों मन गल्ला खरीदते हैं होर्ड करते हैं और चाहते हैं कि भाव बढ़े। मामूली तौर से आप इन लोगों को नहीं जान सकते हैं। तो अगर आप दरअस्ल यह जरूरी समझते हैं कि अनाज का डिकंट्रोल होना चाहिये तो यह पावर गवर्नमेंट के हाथ में होनी चाहिये। अगर यह पावर गवर्नमेंट के हाथ में नहीं होगी तो वह इस का इलाज नहीं कर सकेगी।

मैं ने एक शिकायत भी किसी अपने भाई अपोजीशन के मेम्बर से नहीं सुनी कि जिस ने यह कहा हो कि जिन आदमियों की फ़हरिस्त हमारे होम मिनिस्टिर साहब ने बतलाई थी कि ९३ आदमियों को गिरफ़्तार किया गया था वह ठीक नहीं था। किसी भाई ने अपोजीशन (opposition) की तरफ़ से यह नहीं कहा कि सौराष्ट्र के अन्दर गिरासदारों के खिलाफ़ जो कार्यवाही की गई है वह दुरुसत नहीं थी, जिस का नतीजा, जनाबवाला, मैं यह निकालता हूं कि जहां तक ला एंड आर्डर का सवाल है, जहां तक कि एसेंशियल सप्लाई (essential supply) का सवाल है, इस देश के अन्दर मैं ने किसी क़िस्म की कोई शिकायत नहीं सुनी कि इस क़ानून का अच्छी तरह इस्तेमाल नहीं हुआ। फिर शिकायत कहां है? शिकायत वह है कि जहां सिक्योरिटी आफ़ स्टेट (security of State) का सवाल है, कि जहां किसी कम्युनिस्ट भाई को या हिन्दू महासभाई भाई को या किसी और को पकड़ा गया। जहां तक उन का सवाल है उन की शिकायत है कि हमारे बरखिलाफ़ इस का

अच्छी तरह इस्तेमाल नहीं किया गया । मैं पार्टीक्यूलर केसेस (particular cases) के बारे में नहीं कह सकता जब तक कि पूरा इल्म न हो। मुमकिन है कि उन की शिकायत कुछ हद तक जायज हो। लेकिन उन का यह कहना कि इस क़ानून को न बनाया जाये, इस की मशीनरी को न रखा जाये, ठीक नहीं है। यह कहिये कि कुछ अफ़सरान ने ठीक काम नहीं किया तो उन को आप सजा दिलाइये । उन को सरदार पटेल के लफ़्ज़ों में .....

Shri Raghabachari (Penukonda): Is there one case where you have punished an officer?

पंडित ठाकुर दास भार्गव : अगर यह शिकायत है कि लोगों ने इस का ठीक इस्तेमाल नहीं किया .....

Mr. Speaker: Order, order. The hon. Member may proceed with his argument without replying to the questions put.

पंडित ठाकुर दास भार्गव: तो आप उस इक़रार को याद दिला सकते हैं और गवर्नमेंट पर जोर डाल सकते हैं। आप के अख्तियार में है कि जो शख्स मैला फ़ाईड (mala fide) तरीक़े पर किसी आदमी को गिरफ्तार करेगा उस को क़ानून सजा देगा। जो आदमी गुड फेथ (goodfaith) में काम नहीं करेगा उस को सजा मिलेगी, इस में क़ानून आप के साथ होगा। लेकिन इस बिना पर कि एक आदमी रिश्वत लेता है, एक जज ठीक फ़ैसला नहीं करता तो उस पर आप कहते हैं कि इस क़ानून को तोड़ कर फेंक दो, आई० पी० सी० (I. P. C.) को रद्द कर दो, क्रिमिनल प्रोसीज्योर कोड को रद्द कर दो, क़ानून को हटा दो ठीक नहीं है। अगर इस क़ानून में नुक़्स है, कोई खराबी है तो हम इस वास्ते बैठे हैं कि इस क़ानून को दुरुस्त करें। अगर इस का ठीक तरह से इस्तेमाल नहीं होता तो हम चाहते हैं कि ठीक तरह से इस्तेमाल हो और ग़लत इस्तेमाल करने वाले को सजा दी जाये। हम सब इस बारे में एक एम (aim) रखते हैं और वह यह है कि इस देश में अमनो अमान हो, हर भाई को इस देश में वह हक़ जो स्वराज्य ने दिये हैं पूरी तरह हासिल हों, वह पूरी तरह अपनी पर्सनेलिटी (personality) को अटेन (attain) करे। इस में हम सब मुत्तफ़िक़ हैं।

मैं जानता हूं कि काम करने के मुख्तलिफ़ तरीक़े हैं। और अब तक बावजूद होम मिनिस्टर के अपील करने के यह कहना हमारे कम्यूनिस्ट भाइयों ने क़बूल नहीं किया कि हम अपने मैथड (method) को तबदील करते हैं। वह अपने मैथड को जैसा चाहें रखें या न रखें, लेकिन मैं अदब से अर्ज करना चाहता हूं कि जहां तक इस देश में इस क़ानून का सवाल है, यह कानन निहायत माकूल निहायत ह्यूमेन (humane) और सब के इंटरैस्ट में है। यह उन लोगों के भी इंटरैस्ट में है जिन को कि डिटेन किया जाता है, क्योंकि अगर उन को डिटेन नहीं किया गया तो वह जुर्म करेंगे। तब उन को सजा होगी और वह क्या सजा होगी ? दस साल या सात साल की सजा होगी। यह दफ़ा १०७ जिस के बरखिलाफ़ लोग इतना कहते हैं मैं जानता हूं, खुद अपनी प्रैक्टिस में मैं ने देखा है कि जिन आदमियों की जमानतें लीजाती हैं यह उन के फ़ायदे के लिये हैं। जिन आदमियों की जमानतें ले ली गई वह गांव के गांव जो आपस में लड़ते झगड़ते थे, वह सब सिर्फ़ जमानत

[पंडित ठाकुर दास भार्गव]

से जुर्मबन्द हो जाता है तो यह एक साइकोलाजिकल (psychological) सवाल है। जो जेलखाने बने हैं वह इस वास्ते कि जो आदमी पैथालाजिकली डैफ़ीशियेंट (pathologically deficient) समझे जाते हैं उन को वहां रखा जाये। उनको तोड़ने की जरूरत नहीं है बल्कि जरूरत यह है कि उन जेलखानों में उन को रख कर ठीक किया जाये और उन लोगों को कहा जाये कि तुम जो जुर्म करते हो, देश के बरखिलाफ़ जो कार्यवाही करते हो वह न करो। (इस समय घंटी बजी।) जनाब की घंटी बज गयी है, मैं अब एक मिनट भी और ज्यादा नहीं लेना चाहता हूं।

Pandit S. C. Mishra (Monghyr North-East): By the debates that have taken place in this House we can to a great degree understand what the fate of this Bill is going to be. But before this august House passes this Bill into an Act, I think it is proper that it should hear the view-points of everybody who has got a view on this subject.

I know it is very difficult for me or for anybody else on this side of the House to prove his *bonafides* as soon as he stands to oppose this Bill. As soon as a man stands up, the other side scan him with a mental telescope. Well, is he a communist? Then, for them, there is a ready made reply: he has got a guilty conscience, he wants to make misuse of his freedom, and, therefore, he is opposing this Bill. If it is somebody like Dr. Syama Prasad Mookerjee, then another formula is ready: perhaps, he will not misuse it himself, but he is in bad company. These two handy formulas are always there. Therefore, if we oppose this Bill, either we are subversive, or somehow we have fallen in bad company. (*Interruptions*).

Mr. Speaker: Order, order, let him proceed.

Pandit S. C. Mishra: I wish to hear their questions—what is the harm?

Now, I wish to say that many of my friends on this side have been fighting for the freedom of India for the last thirty years. May be certain people on the other side are placed very high, because their achievements have been great. For example, when a steamer sails on the high seas, some people may be standing high on the decks. But at the same time there are certain people who are down below. It would be a great mistake if at the end of the voyage one were to say that those people who were on the deck were responsible for the success of the voyage and not those who were stowing coal below.

An Hon. Member: If they are making holes below?

Mr. Speaker: Order, order.

Pandit S. C. Mishra: Now, where do they find themselves at the end of thirty years. So long as we are here in this House under your protecting arm, or by the proximity of a great leader like our Prime Minister, we are safe. But, I wish to tell the House that as soon as I go outside and put my first step on the roads, immediately, an idea comes into my mind that I am walking in this great city of Delhi not by right—I am not speaking of the privileges of an M.P. that has been demonstrated to be a fiasco, I am speaking of the rights of an ordinary man—but because the great God of Delhi, I do not know what you call him, the Deputy Commissioner or District Magistrate's eyes have not fallen on me.

We have not been used to living on favours or sufferance all this life. That is why we stand here to oppose this measure. The hon. the Home Minister said that it is only thirteen or five, people who have been detained according to this law. But what I say is whereas only five people might have been actually in jail when he said that, as soon as this measure is put on the Statute Book, you put your clawed foot upon the liberty of every right thinking man. It is not a question of your detaining him or you do not put him in jail. But the liberty and freedom of every right thinking man is put under duress as soon as this Bill becomes law. Please accept that position. You cannot run away from this position. (*Interruptions*). I understand why you interrupt me. I am sorry I have forgotten Lenin's dictum in which he said: never should you address them as you or we; that class must always be addressed as they. They ask: unless a man is wicked, how can this law be applied against him. I will not say everybody on the other side, but many people on the other side in their whole life have never known what it is to differ from authority. How can they understand my position?

With all respect, I will not say everybody. But if those friends introspect among themselves they will find that, for the life of them, many people on that side have never felt it, and shall never feel it. Of course, for them there cannot be any preventive detention. I ask my friends over there : whether a law is a good law or a bad law, well, the test is not how it acts on the ruling party, does it? In the worst days of Nazi rule or Nazi terror, I ask you, was any man of the Nazi Party put under detention or put to torture? I do not mean to say that the Congress Party is as bad as the Nazi Party. No. I say it may be a hundred times or a thousand times better. But that is not the question. Whether the ruling party is a good party or a bad party does not matter here. Anybody who for the time being happens to find himself in agreement with the thoughts and ideas of a ruling party or a battalion or a clique—I am not at all contemplating those things with respect to the Congress Party—but I say whatever a ruling party is, any man who happens to be in consonance with that party, well, he can never understand what the meaning of a bad law is. They cannot.

What is the meaning of a right-thinking man? The right is to be able to differ, to have different views, to think differently. Is that a hypothetical right only? No. It must be tested in action. And what do we find here? The hon. the Home Minister said that this measure is not intended to be applied against any party, and therefore our friends on the Congress side may say: well, friend, why are you afraid of it? The Home Minister may say: I am not going to apply this Act against any party; therefore whether it is the Communist party or the Socialist party or the Praja party or any other group, they need not be afraid of this. I wish the Home Minister had been pleased to put this Act against parties. Why? Because, then we would have known and a man would have been able to choose where to stand. If you say that the Communist party is declared to be an illegal party, well, then it will be up to that party to decide what it can do, and if it really represents the wishes and the needs of the people it will survive; otherwise it will go. If you put it against the Praja party or the Socialist party and declare that everybody who chooses to become a member of these parties will be put under detention because the Government has decided that their actions are subversive, then again it will be open to us and to the whole country to decide whether to side with this party or not. And things may be decided quickly.

But what does this measure choose to do? The gracious Home Minister said that it is directed against individuals. Now, is there any method—at least I do not know and I cannot think of any method—by which a man can abjure being an individual? A man can abjure being a Communist or a Socialist if he chooses, but there is no conceivable method by which a man can choose not to be an individual. Therefore, what is this law and this Act? As soon as you pass this, certainly it is not against any party, but I say it is against every right thinking man or every man who may be an individual.

Well, Sir, our great leader is not here. He had always been saying that a young man who does not think dangerously has no right to live. It is a great loss to the country that the lineage of our revered leader who is no more in this world, I mean Pandit Motilal Nehru, has not been represented further today by some male scion. I am sure if there had been a younger Jawahar today, he would have been here on the opposition benches. I can say that.

An Hon. Member: Never.

Mr. Speaker: Order. order.

Pandit S. C. Mishra: I tell you one thing. It was in the year 1930. The Home Minister might remember it. The District Magistrate of Allahabad simply wrote a letter to our hon. leader—he was still then my leader of course, though he is not my leader today—and a notice was served on him "You don't proceed to Bombay this week". The reply immediately was—I remember those electrifying words, "I am not accustomed to taking orders from anybody save the institution which I serve". And it was a grand reply. It was a reply that sent the whole youth of India in thrill. He has said so many times that those who cannot think dangerously have not got a right to live, they are not the real sons of India, they are not young men. My friends can say that Panditji has made a complete somersault, and he may see the necessities just the other way. But I say you have not burnt all the writings of that Pandit Nehru. If you had burnt or banned those books, young men anywhere would not have gone through those words. But the books are there and, in spite of whatever is said in this House, they will produce the same effects that they produced in those days. For thirty years, along

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with that great and beloved leader we had been fighting to make India livable, not livable on favours and sufferance. Favours and sufferance were there of course and there were 'good boys' then— there are better boys now. Yes, they have. Who can say that? But the question is we have been fighting to make India livable for everybody.

After this Act it is not livable for everybody. You may say that people will not be put in jail because they belong to certain parties. But certainly they will be put in jail because they do not flatter the authorities. And from here to the district towns and below to the *thanas* if you go down and down, it will end in a complete flattery, subjugation and what not.

I will bring out certain things and show how this Act will in the end operate. For the present I am confining myself to this remark that whatever you say, this Act that you are going to put on the Statute Book—somebody took exception to article 22 of the Constitution and said it was a blot—I say that this Preventive Detention Act will be a desecration of the Statute Book. My hon. friend from the Punjab has argued that there are so many laws and they have not spoken one word about those things. Perhaps there are 670 sections—I could not be a vakil at any time—Perhaps there are six hundred and odd sections in the Criminal Procedure Code. It has been said that there is no conceivable thing in the whole world that cannot be brought under the purview of that Penal Code, yet people do not object. And they put the simple question: unless these people are subversive or have a guilty conscience how is it that though they can put up with so many sections of the Penal Code but they make a big hue and cry over this very innocent piece of legislation that the Home Minister has introduced? I may just put the question in the opposite way. 600 and odd sections have been made in a very grand book by higher brains and I know that they have made it completely to subjugate the country; but how is it that you find yourself not competent to deal with any situation that might arise in the country and you are hugging to this one section? Why are you hugging to this section! It is not that we create this impression in the minds of the people. They are clever enough to understand that the Government have got so many sections and still they are introducing this one section. It must be something novel; it must be something dangerous; it must be something like an atom bomb. There are at least three legs on which a civilized state stands; the executive is one branch, legislative is another branch and judiciary is the third branch. What is the attempt here? I say that parliamentary democracy has given India a new field and we are holding on to it and trying to survive. The British people might be very great people and they might go on with the same methods of Parliament and save their Government. But here in India very soon you and I and everybody have to think what to do. What is happening here? Somehow the executive now controls the legislature and I ask the 500 and odd friends sitting here to consider one point. We are not here as the executive. We and they, all of us are not here as executives but we are here as legislators and we and they should understand what the country demands, where the good of the country lies and not simply be dictated by what the executive demands. We must not go on and give them everything that they want. The hands of the executive are pretty long and they are putting their legs on the legislative section of the country.

Now a very peculiar thing is happening with this Act and that is, now the executive want to make the judiciary either impotent or they want to put it into cold storage. This is the third attempt that is being made to control the legislature by the executive. The executive is trying to control the judiciary. Judge after judge from the Supreme Court has said that. They say that these laws are lawless laws but we are bound hand and foot and we cannot interfere. That was quoted by every hon. friend here. With this one piece of legislation that is being introduced in this House, we are transgressing the very ancient boundaries that have been placed upon the rights of the executive. They somehow had captured one branch. Now they are putting their legs upon the second branch and therefore I say: They cannot understand and they can never imagine the possibility of ever having to differ with the executive and with the Government. Of course, they shall never realise our position but there are those who think that they have a right to differ and to think in a different manner and if necessary to think in a dangerous manner. They can understand that they are not to be in a jail. The whole of India is like a jail. The whole of India is converted into a detention house. Therefore the

objection that ranges from this side has not been that you are putting in jail a few people here and there but with this piece of legislation you are putting in jeopardy the liberty of every citizen who does not happen to be on the Government side. If that is your intention, then have it. We cannot stop it. After this law is passed into an Act, if our India does not become a State of Slaves, certainly it would become a State of serfs. I would like to remind my friends on the opposite side that all serfs were never tortured. Only those serfs were tortured by their Lords who happened to oppose or differ from the will of their masters and exactly in the same way you have placed India in the same position. It is paining us to find that after fighting all our lives in the attempt to make India safe for everybody to live, we find that our country has again been thrown back to a state of serfdom. There is still time to think about it and I know you can very well do without this Act. Certainly you can do it, but the thing is that tigers generally live on antelopes but once the tiger tastes human blood, the whole apetite of the tiger for the antelope disappears and after that it cannot live on anything save human blood. I was greatly puzzled and surprised when I found a lady Member of this House demanding blood. In the history of India we know of great ladies in Rajputana and everywhere in India who had played a noble part, but now I find the lady standing up from the Congress benches and demanding blood. If you were to accept the position which the lady Member had propagated, then the whole of India would become a detention camp. She has given us many examples from the State of Delhi. I will now read one quotation for that lady Member. I am reading from the *Statesman* of July 12th:

> "On October 20, 1950. Ram Singh a cycle repairer was taken into custody in connextion with a cycle theft." (The first time I had read this, I thought the man concerned was a cycle lifter). I quote: "On October 24th Raizada Bodh Raj a Delhi lawyer applied for bail in the court of Mr. Bhanot who ordered Ram Singh's release. His relations took the warrant of release to the police station but Ram Singh was not set at liberty. They visited the Police Station again on the morning of October 25th and were told that Ram Singh was being interrogated in a room in a corner of the *kotwali*. They knocked at the door of the room and when it was opened they were horrified to see that Ram Singh, who was in hand-cuffs, was standing against a wall, the chain of the handcuffs was tied to a peg in the wall and several constables armed with *lathis* were beating him."
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> "The relations of Ram Singh begged of the Sub-Inspector, Jinda Ram to spare Ram Singh, but Jinda Ram said that he would continue to beat until he gave a clue to the stolen property." (I think that so far the hon. Minister will be with the Sub-Inspector.)
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> "They handed the release order to the Sub-Inspector but the latter said that Mr. Bhanot had no right to accept bail and that he would not release him. The Sub-Inspector asked Ram Singh whether he had bought cycle parts and when he replied that he had not bought any, the Sub-Inspector, it is alleged, kicked him and told his relations that he was going to kill him. Ram Singh begged of them to get him out of the clutches of the police as they had been torturing him and were likely to kill him. The Sub-Inspector took the surety bond and other papers from Ram Singh's relations and told them to leave the police station immediately.
>
> They then presented a fresh application to Mr. Bhanot the same day—25th October—complaining that the police had flouted his earlier orders, Mr. Bhanot asked for an immediate report in regard to the allegations made and on October 26, Jinda Ram submitted a report to the effect that Ram Singh had been released in one case and arrested in another."

I am reading this specially for the Home Minister.

> "On October 26, the prosecution alleged, the police took Ram Singh to the court of Diwan Ram Swarup, a magistrate, and presented an application that he be allowed to remain in police custody for 14 days—the minimum period. The magistrate remanded Ram Singh to police custody. As soon as the order was passed Raizada Bodh Raj entered the room and presented two applications, one for Ram Singh's release on bail and the other for his medical examination as he was alleged to have been tortured by the police. The magistrate revoked his previous orders and directed that Ram Singh be produced before him the following day. He also directed that he should be examined by a medical officer. Ram Singh was not produced by the police before Diwan Ram Swarup on

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October 27, but he was produced in the court of the Tehsildar at Delhi and remand was obtained up to November 11."

This is what happened. Please hear.

"Ram Singh was found dead on November 3 in the House of the Assistant Sub-Inspector." This was all in Delhi.

Shri H. G. Vaishnav (Ambad): On a point of order, Sir, is this connected with any detention order?

Pandit S. C. Mishra: If it is a point of order, I shall reply. (*Interruptions*).

Mr. Speaker: Order, order. Let there be no heat about this. His contention apparently seems to be that, though a law may be enacted here he is expressing his fears of this type about the administration of the law. The police action was not in pursuance of the Criminal Procedure Code. He wants to invite the attention of the Government to the fact that the Government have to be careful in administering the law if enacted. That is his point.

Shri C. D. Pande (Naini Tal Distt. *cum* Almora Distt.—South-West *cum* Bareilly Distt.—North): On a point of information, Sir,...

Mr. Speaker: No, no; it is not necessary. I do not want the hon. Member to interrupt.

Shri R. K. Chaudhury (Gauhati): On a point of information, Sir, does the hon. Member want the law to be changed on this ground?

Mr. Speaker: Order, order. The hon. Member is advancing his arguments and I think he is entitled to do so without interference. It is for each hon. Member to hear him and interpret his argument as he likes. He must have an opportunity of expressing his views.

Pandit S. C. Mishra: What I wish to draw the attention of the House to is this. I am glad that the Leader of the House is also here to hear this report of what is going on in Delhi. A very poor man, Ram Singh—his age is not given here; may be 18, 19, or 22—is put in custody and he is being tortured. When his relations go to see him, he begs of them, 'Save me, save me; I am being killed'. They try their best. They run after magistrates; they obtain bail; they are running about. Every day the victim is being taken from court to court and in the end, his dead body comes out. For these 13 days a grim drama was going on in this great city of Delhi. Sir, if you would excuse that expression, the Servants of India Society was working there. By servants, I mean Government staff. I know my hon. friend the lady Member will say, that in the inter-communal marriage case, perhaps one man had been stabbed. I know that full well. But, he had been stabbed by somebody in the heat of the moment. Now, for full 13 days, the victim, a very helpless young man is being killed in the city of Delhi. Not one Sub-Inspector, but the constables were beating; the Asst. Sub-Inspector is there. He is found dead in the house of the Asstt. Sub-Inspector. At least five or seven of these servants know that a man is being tortured to death for full 13 days. I would ask the Secretary and everybody here. I know that if a man is stabbed, perhaps, you will say I cannot save him. Here in this great city, where this Parliament is sitting, a young man, perhaps a poor man, he is being killed and nobody is able to save him. He has got his vakil; his relations are running about; but they could not take him out alive. Even the magistrates were there. I know that Sub-Inspectors have not been armed with this power; but the district magistrates have been. As soon as some papers are placed before the district magistrate by the Sub-Inspector, or whatever you may call him, who will take the odium of refusing? I would ask of the Home Minister this. If people are to be detained, let them be detained under the signature of the Home Minister here or the Home Minister of the States. They will say, 'No, no.' Do you know why they say, 'No, no'? They will say, why should we make our hands dirty; let our conscience be clear; we can go and tell the people, we cannot be looking to every case; there may have been abuses and misuses; you cannot blame us for these things. It is exactly for this purpose that they are arming the district magistrates with these powers. I say this to him and to my friends on this side, it would be a pleasure to me to know that Dr. Katju had himself personally considered my case and he has signed or the Home Minister of my State had considered my case and has signed it. There would be the satisfaction that the case has been judged by a peer of my own status. That has been the one thing for which the whole world has been fighting. Here also, I say trials are jury trials. Anybody would have had the satisfaction that he had been tried by some jury. But, our Home Minister is not going to give us that much satisfaction. I want to remind the Home Minister one thing. When

you utilise such wide powers for the first time, people think that perhaps there is an emergency. I shall quote some examples from history. The Defence of India Act was passed in 1914. Thousands of our young men, the flower of our country were clapped in jail. At that time everybody knew that the British Government was fighting with its back to the wall. Therefore, they could condone it. What happened in the year 1919 when they wanted it to be put permanently in the Statute Book in the form of the Rowlatt Act? I would again quote the words of our Prime Minister. He said: "So long as it was a war measure, the country had somehow put up with it, but at the end of the war"—and his words were these—"Indian people were shocked to find there were some trials, but they had been like conspiracy trials"—about Kamagatamaru and certain other incidents. "The Britishers staged some trials, but they looked like conspiracy trials, and therefore the whole of Indian youth, the whole of Indian manhood stood up against the Rowlatt Act."

I wish to tell the Home Minister, the Finance Minister, and everybody else —I wish to tell them: Yes, at one time you may say it and people will take your word at its value. They will think: Perhaps there is some emergency, let them have those powers. They will think, perhaps: "I should sacrifice some of my liberty for the sake of my country." When you are making it a permanent Statute, the same thing will happen. The people will not be able to understand your attitude. They will think: "These people have tasted blood, and they cannot do without taking our liberty".

Some people have spoken about Rajasthan and Saurashtra. Do you know what is going to happen? When a man begins to take opium for the first time, a little drop will do. It is the first stage. The next month, that dose must be doubled. Six months afterwards, what is going to happen you all know. Yes, this is that very dose that our benign Government is taking. Yes, for the first time, you have restored peace and order in Saurashtra. Make it a permanent Statute for which you are just preparing. If at the end of these two years, the Home Minister is still there, he will come and ask for more powers. Those people would have found out how to evade these orders. They will certainly, and then new orders, new Acts, and new regulations will be required. And, therefore, I shall ask this House, every friend on the other side who happened to be associated—many of them were associated with the old fight for freedom—I wish to ask them very humbly, as a comrade in that fight, where will it lead to in the end? It will go on deteriorating and deteriorating till this India will become itself a Nazi camp and nothing else. You raise your fingers at Russia and this and that. In a very few months, everthing will have vanished, and we shall be there in a dictatorial camp, and wider and wider powers will be required to keep peace and tranquillity in our country.

I will tell you why this Act will not suffice. I will read one little quotation again. You can pass as many detention tion orders as you please, but you will not be able to keep peace if you go this way. This is dated 12th July, again somehow; this is from Bombay, Satana:

तहारावाद के एक प्रतिष्ठित नागरिक श्री दुअन्ना पाठक के २१ वर्षीय पुत्र श्री काशीनाथ पाठक नें जहर की गौलियां खाकर कल रात अपनी आत्महत्या कर ली। यह बम्बई विश्वविद्यालय से कृषि में बी० ए० कर चुका था बड़े प्रयत्नों के बाद भी कोई नौकरी या काम न मिलने के कारण जीवन से निराश हो कर अन्ततः उसने यही करना उचित समझा।

I hope you have understood it.

Several Hon. Members: No, no.

Pandit S. C. Mishra: A graduate, Sir, not an ordinary graduate—a graduate in agriculture—perhaps if the Finance Minister had allowed the river valley schemes etc. to go on, he would have been required—this man—I wish to draw the attention of the revered Dr. Katju—this man has done such a bad act. He has deprived our motherland of a very good flower, of a bright, shining youth who would have been of very good use to this country. I wish, Sir, this Preventive Detention Act had been passed earlier by our friend, and this man had been detained and prevented from killing that graduate. I wish it had somehow been found possible to detain him before he had killed himself. It is a very gruesome act.

[MR. DEPUTY-SPEAKER *in the Chair*]

Lakhs and lakhs of graduates are living unemployed in this country. I have not got the time, and you have not got the patience to go into it. You may have files and files of those graduates who have not been able to find a living and they are on the point

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of choosing one of two things. This agricultural graduate—I think if the hon. Leader of the House were here, he would say he was not a man worth the name. Yes, he was not a man worth the name because before he killed himself, he ought to have tried to kill that atmosphere, that situation which was strangling him. He did not do that. But what about all the other graduates who are now on the verge of starvation? Pass as many detention Acts as you like. Every graduate is faced with this situation that he shall either choose to kill himself, or shall say that he will dedicate his life to the changing of such a system, a system which is putting him in this position. And for him no detention Act, no preventive detention is enough.

On Friday last, you know, a friend on this side caused a scene here, but if you take into consideration why heat was not generated on any other occasion before, and why it was generated on that occasion.....

Mr. Deputy-Speaker: It is not necessary to refer to that.

Pandit S. C. Mishra: The friend here rather expressed himself very grievously, but what was it that he was going to tell? What was it that his fettered soul had to express? I say hundreds and thousands and millions of such educated people outside are on the verge of starvation, on the verge of putting pills of poison on their tongues. Now, every man on this side feels like this: "How shall I go outside and tell the people of India, the right-thinking man, the dangerous thinking man, if he asks: what were you doing here?"

Mr. Deputy-Speaker: There are other Members also to speak.

Pandit S. C. Mishra: I remember one incident, Sir, during those freedom days when certain young boys were beaten by the Police while they were picketing wine drums. They were badly beaten, and when the Police tried—I was myself present there—I was so much upset that I flung myself right under the drum in order that I might get on me some injury, and I know when a young man on this side grievously mis-expressed himself, what does he mean? He wishes to register a protest, and the protest is: If you must pass this Act, pass it.

Shri Syed Ahmed (Hoshangabad): He will commit suicide?

Pandit S. C. Mishra: But before you pass the Act, you will have to walk over our bodies. That is what he wanted to say. He will be able to tell his friends outside: "I did my best, but even with all the protest I could put in, these people, those who govern India, they have passed this Bill into law." That was what was in his heart.

I will come immediately to the Bill.

5 P.M.

Mr. Deputy-Speaker: The hon. Member may reserve it to a later occasion. Hon. Members are anxious to exercise their right to speak, and are coming to the Chair one after the other. The hon. Member who is speaking now also came to the Chair to get an opportunity, to talk. He has been given an opportunity, but if that opportunity is taken advantage of to bar other Members from speaking, I can only say that that is not right.

The hon. Members also said that there is one other Member from his own party, Mr. Sarangadhar Das who should be also called upon to speak. I am willing to call him. But if this is the manner in which the hon. Member has taken possession of the House for such a long time, it is rather unfortunate.

Pandit S. C. Mishra: I have taken only about 25 minutes till now.

Mr. Deputy-Speaker: The hon. Member has taken 50 minutes already. The previous speaker Pandit Thakurdas Bhargava finished at 4-10 p.m. and it is now 5 p.m., and so the hon. Member has taken already 50 minutes, and he is starting discussion on the Bill only now.

Pandit S. C. Mishra: Till now I was opposing the Bill on general principles, why such a provision ought not to be in the Statute Book. Now I shall come to the Bill itself.

In this one session of this House, we have passed so many Bills and are sending them to the people in the form of gracious presents. The people will be charmed to find that this new Government is certainly now sending them great things. We have passed the Criminal Law Amendment Bill, and so many other Bills, and this is another which we are proposing to present them. I am afraid, the wish of the hon. the Home Minister seems to be to divide India into two sharp camps; either the people come into his camp and escape detention, or they get detained and go into Mr. Gopalan's camp. His wish seems to be that there should be no other shade in India, except these two shades. It has also been provided in this Bill that anybody who attacks the foreign relation policy will also be detained...

Pandit Thakur Das Bhargava: Which Section or Clause of the Bill is the hon. Member referring to?

Pandit S. C. Mishra: I thought the hon. Member had gone through the Bill. I shall just give that Section.....

Mr. Deputy-Speaker: The hon. Member need not waste his time in satisfying another hon. Member.

Pandit S. C. Mishra: Yes, Sir. That will help me also to a certain extent.

Only two days back, I was talking in the lobby to some of my friends: "Why is it that we cannot say to the Pakistan Government: 'Well, give us back our dear and beloved Badshah Khan. We want him back. He is a very great part and parcel of India'?" I told them that there might be some difficulties. Now I know after this Bill has come, what the difficulty is. We wish to have good foreign relations with Pakistan. Therefore if any Indian attacks Pakistan's foreign policy he might talk in a way which might be prejudicial to that theme. Now you will agree with me that Pakistan also has a foreign policy towards India which is just the opposite of ours. When Badshah Khan attacks Pakistan's foreign policy he can be detained also under the same Preventive Detention Act as the one we have got here, and the hon. the Home Minister is telling in so many words to the Pakistan Government: "You are perfectly justified in killing him with your Statute on preventive detention, because he also attacks the foreign policy of your government." Section 12 of the original Act contains a provision that a person who attacks the foreign policy of a government can be detained. If we pass this Bill also, we will only be telling Pakistan: "Detention till death of Badshah Khan is justified." (*Interruption*). Sometimes, Sir, they are becoming a little less careful about their appearances as, they were so much meticulous about their coats and *pyjamas*, but about other appearances our benign government have nothing to tell us. They do not want to save their own appearances.

It has been said that this Bill has been introduced in a form which has been improved, improved to the benefit of the detenus themselves. I had taken pains myself to find this out. I do not know whether our hon. Ministers themselves go through these things, or they only read out what has been worked out by their assistants, but it has been said that the Bill has been amended for the better.

For instance, I shall just read out clause 8 of the Bill which seeks to substitute the words 'revocation or expiry' in place of the word 'recovery', in sub-section (2) of section 13 of the principle Act. The original Section read like this:

> "The revocation of a detention order shall not bar the making of a fresh detention order under section 3 against the same person."

I hope my hon. friend Mr. Chatterjee has dealt at length with this matter. One day I was there in the Supreme Court. By chance many detenus were brought—I do not know from which province, but they were all released on only one point, on which the Attorney-General or somebody representing the Government could not satisfy the judges. The orders of detention that were passed on these detenus were to expire by the 31st December of that year. Fresh orders were served after a period of 24 hours or so, in all the cases. The lapse on the part of the Government is sought to be amended now. I quite understand the Opposition objecting to this. They have a right to protest against this measure. But once the Bill is brought before the House, why should not the Hon. the Home Minister say: "We have amended the original Act on this side by this clause and that or on the other side by this clause or that." Why should he leave it for the Opposition to fumble and say that the Detention Bill has been made the worse. By the addition of one single word 'or expiry', I think all the detenus who have been released or are likely to be released can be still detained under a fresh order. And yet it is said that the Bill has been improved to the benefit of the detenus.

Now I come to clause 7 of the Bill. The proposed new Section 12 A fixes the maximum period of detention as follows:

> "The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 11 shall be twelve months from the date on which the said order has been so confirmed."

The earlier provision was that a person can be detained only for a shorter period. But now a period of twelve months has been provided. Now you say that for one year at one stretch with one order you can detain him and you can certainly renew that order whenever you like. (*Interruption*). And you say that the Bill has been liberalised—that is what has been put before the House. Now, Sir,

[Pandit S. C. Mishra]

one amendment clause 5 of the Bill reads: "(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) every offence under clause (b) of sub-section (1) shall be cognizable". In many cases because the offence was not cognizable, therefore the arrest could not be made. Now on four important issues you are making the Bill worse and still you say that you are liberalising it. I do not say that you have no right, but please put before the House everything; let it be a clean statement of facts. Why is it a 'hide and seek' game, I do not understand. Yes, you have got the right to hang people, to do anything you like, but let the whole truth come before the House. That is one complaint I have to make.

Shri Namdhari (Fazilka-Sirsa): Sir, the hon. Member has taken more than half an hour.

Pandit S. C. Mishra: Therefore, I say that Government should either withdraw this Bill or if they so wish, take some more time, say two or three months, and extend the Bill for that period and in the meanwhile they should ascertain public opinion. Challenges have been thrown on that side —Go and ask the people. Some people said: "We have come with a mandate". A friend on that side was describing that such and such man who has been elected when he was going about in the country was saying: "I will slay such and such man". Are we to take it that he has got the mandate to slay? I do not think that because he was talking like that during the election, he has got a mandate to slay. Similarly I say: Yes, you are elected, I know. But you cannot say that you have got a mandate to make this Act a permanent Act. That is what I wish to draw your attention to. With these few words, I would request my friends to consider the Bill from all angles.

Prof. Agarwal (Wardha): Some hon. Members may be perhaps a little surprised that one who is interested mostly in education and economic planning should choose to speak on this subject, but I am constrained to stand today here because I find that Gandhiji's hallowed name is being used to cover all kinds of sins and acts including those of violence. One hon. Member said that when people had to rise against vested interests it was but natural that they resorted to violence because Gandhiji, he said, observed that it was better to use violent methods than to be cowards This is of course true—that Gandhiji did say that it was better to use violent methods and not to be cowards, but in what context? He was trying to point out that non-violence has to be of the brave and not of the coward. My friend forgot volumes that Gandhiji wrote on non-violence, but he choose to quote that particular phrase while defending the creed of violence. Then there were some observations regarding Gandhiji's name in connection with the Rowlatt Act. It is true that Gandhiji was not in favour of excessive laws. But we do forget that in this very country there have been people—and perhaps are—who killed Gandhiji himself and when such anti-social elements have to be suppressed and have to be placed under control, it is but necessary that some measures of this kind have to be enacted. Unfortunately, there are one or two Gandhians—and I am very sorry to say that—who have given some impression to the country that after all there is not much difference between Gandhism and Communism. There are some people who have said that Gandhism is Communism minus violence and the participation of some of the Gandhites in the international peace conferences has unfortunately given an impression that there is not much difference between the two creeds. I stand here today as one who has been a close student of Gandhism for the last ten or fifteen years to say that this suggestion that there is not much difference in ideology, there is just some difference in technique, is a completely erroneous notion. If we study the basic principles of Gandhism and Communism, we find that they are poles as under. *(Interruption).* We know how Communism depends on the materialistic interpretation of history, on the philosophy of dialecticism, thesis, anti-thesis, synthesis, how it attaches the greatest importance to matter and regards spirit only as a bye-product, how it stands on the principle that the end justifies the means, and not what Gandhiji said that it is the means that is most important, and when we see all this I am astounded how Gandhiji's name could be used to cover all kinds of acts of violence. I may say that Acharya Vinoba Bhave when he undertook the Telengana walking tour tried his very best to plead with the Communist friends to declare in very clear terms that they abjure violence. He said: "I like your cause of land redistrbuition and I am prepared to work with you shoulder to shoulder, but if you do not denounce violence, if you do not clearly indicate that you do not stand for this philosophy of

violence, till then how can I work with you?" He interviewed people in jails—the Communist friends. Later on, perhaps many of us will remember, how Mr. Dange wrote to Vinobaji and Vinobaji said in his reply: "I am convinced that so long as the Communist friends do not declare in clear terms that they do not stand for violence as a philosophy, it is impossible for anybody to work with them or to appreciate their cause". It may be that in Telengana there have been some police excesses and it is, of course, the duty of any Government to see that such excesses do not recur. But so long as there are people in this country who regard violence as one of the inevitable methods for the welfare of the poorer classes of people, I fail to understand how the duty of any Government can be performed without having some legislation which would give them enough powers. When I speak of the Communist friends, therefore, I would beg of them in the interests of their own party and of the country and the poor people for whom they stand, to consider this open invitation of Vinobaji very seriously. Still he is saying—he said so at the last Sarvodaya Sammelan at Banaras—that he would invite the Communist friends if they really care for the interests of the people to sit with him, to discuss with him his programme of land redistribution and to work with him but with a very clear indication and clear announcement that they do not stand for the main philosophy of violence.

Then there are people in this country besides the Communist friends who have tried to exploit the economic situation. I speak of the businessmen and the capitalists who have during the last few years tried to hoard and blackmarket and tried to exploit the poor people. And now that the policy of decontrol has been launched it is very necessary, as was said by my friend there, that these tendencies of blackmarketing and profiteering are curbed and for that also I would plead with the Government that they should take very strict measures in this way and acts of hoarding should be very severely punished.

There are also other cases. There are some communal forces still who dream of 'communal raj'. There are people who in the name of science —I am very sorry to say that—or some sort of famine prevention society are throwing bombs at the police. And it is said that they do not believe in violence but in science. How is it possible for any Government to overlook such acts? In spite of the clear indication in the Constitution about untouchability, in the Punjab and in several other parts of the country there are still people who continue to harass the untouchables, the Harijans, and I would raise my voice here and say that the Government should not allow that sort of anti-constitutional acts any longer, and the arm of this Preventive Detention Act ought to be extended to that section of people also.

Therefore, I feel that the Government is justified in enacting such laws but I would say in all humility that the Government should also realise that such laws ought to be used very sparingly. It does not mean that because there is this law as soon as there is any trouble in any area the police officers should at once rush to the provisions of this law. They should try to exhaust all other possibilities and this Act should be resorted to only if absolutely necessary. Further the Government should also realise, and I hope it does realise, that after all ultimately it is not merely legislation, it is not merely force that matters. If conditions have to be improved then the Government has to launch a far-reaching economic programme. Land distribution, solving the problem of unemployment and under-employment through the spread of small-scale industries and other avenues of employment, levying of death duties or inheritance duties, and such other things in order to bring about more of economic equality. Many things have to be done and done quickly because ultimately, as Chancellor Hutchins of the Chicago University said to Americans, if communism or any other violent influence has to be effectively kept in check the economic order has to improve. I have no doubt that the Government would realise that if these elements have to be kept in check—and they have to be kept in check—then we have to proceed with far-reaching economic reforms at a very early date.

So far as the Bill is concerned, the Government has already made some improvements, for example, about informing the State Governments within 15 days, also about informing the Central Government, and also giving more right to the detenu to appear in person before the Advisory Board. I hope that the police authorities will be given instructions to use this Act very sparingly and also to frame charges more carefully and intelligently. If that is done I think the Government would be justified in having this legislation because it would be used only in emergencies and Government will be fulfilling its

primary duty of ensuring safety and democracy in this country.

Dr. S. P. Mookerjee (Calcutta South-East) : We have discussed for two days this Bill which has now come before this Parliament for the first time. We have discussed many matters in connection with the Bill which although arising out of its provisions may not be strictly relevant to it. But that was but natural because feelings had been roused in the House and also outside and there was some manifestation of such feelings in the deliberations. I shall attempt to place before the House as dispassionately as possible the principal reasons why we are opposing this measure and also why we are dissatisfied with the provisions of the Bill as it stands amended. It is nobody's case, in the first instance, that Government should not take adequate steps if crimes are committed in the country. We have a lurid picture held out before us by various Members belonging to the Government Party depicting how lawlessness has developed in various parts of the country and how the situation has deteriorated in some areas. Nobody has ever suggested that Government should acquiesce in such occurrences. Further I would assert that it is nobody's case that personal freedom in any country can be absolute. Limitations are imposed in every part of the civilised world, and naturally when the interest of organised society demands certain limitations they are wilfully accepted by the citizens of every country. Here we are considering, comparatively speaking, a small issue—small in its content but extremely important so far as the principle goes—namely, whether a man should be arrested and kept under detention without trial. Here also we have conceded that a situation may arise in the history of any country, during a period of war or during a period of crisis, when the personal liberty of a citizen has to be temporarily curbed and he has to be kept under detention without being placed before a court of law. Reference has been made to the Constitution of our country. Dr. Katju is surprised at everything now—he will pardon me if he himself surprises us. He says that the Constitution has made these provisions. If the Constitution had not made such provisions Parliament today could not have considered this piece of legislation. We were repeatedly told, and rightly told, when the Constitution was framed that ours being a written Constitution the powers and functions of Parliament and of Legislatures in India have got to be properly clarified and embodied in the text of the Constitution. Is it suggested that because the Constitution provides for detention without trial Government will take advantage of it and make use of it even though the occasion does not demand it? Is it suggested that it will become a sort of permanent law of the land and not a law to be utilised in times of emergency? What is it that we did in our Constitution? We had certain emergency provisions. Naturally those emergency provisions are of a drastic character because there the Constitution is virtually suspended barring the operation of the High Court. No doubt it can be brought into operation in an entire State or in any part thereof but that would mean the deprival of the citizens of practically all rights and liberties. If the situation did not assume such serious proportions and yet the exigencies of the circumstances required that the ordinary law of the land should not be allowed to function, we had those provisions of preventive detention law under our Constitution. But this was admittedly a permissive provision and nothing more.

So, here the question is very simple: Has the Government placed before the country and before Parliament sufficient facts to justify continuance of the Preventive Detention Act? That is the question which the House has to answer and how are you going to come to a reasonable conclusion? In 1950 Sardar Patel brought this Bill before the House. We all remember the extraordinary circumstances under which that Bill was passed into law in the course of four hours but limited to one year only. In 1951 Rajaji came and brought forward a Bill for the extension of this Act for a further period of one year. As my hon. friend Pandit Thakur Das Bhargava has pointed out, certain alterations were made at that stage but both Sardar Patel and Shri Rajagopalachari pointed out that this was nothing but an emergency legislation and the circumstances then obtaining in the country, they claimed, justified its extension. When Dr. Katju came before the House about four or five months ago, he made certain declarations from which he cannot resile today. He said :

> "I suggest to you most respectfully that the six months may be a very trying and testing period for that. If these professions are genuine and nothing happens, very likely there may be no necessity for the Act or there may be no necessity for this very modified Act. Let us see what happens. I say and I repeat once again that there had been many recent professions

during two or three months. We will watch, we will consider, we will see whether they are genuine or not."

Dr. Katju: I agree with what I had said.

Dr. S. P. Mookerjee: Dr. Katju says "I agree". I hope he sticks to what he had said at that time.

Dr. Katju: I do undoubtedly.

Dr. S. P. Mookerjee: That was on the 28th February, 1952. At that time Dr. Katju announced that about 1100 persons had been kept in detention in the whole of India. The figure is here, and on the 15th June, 1952 the figure had come down to 989. I asked for information on a very simple matter of fact. I requested Dr. Katju the other day to let the House know how many persons were put under detention since the 1st March, 1952. I have not got the answer. The other day I spoke to the Home Secretary, who sent me a reply to the letter that I had written to the Home Minister and he said that the Government of India did not possess that information. But he agreed with me that the number would be very small. That will be the real test. If the Home Minister had given this assurance to Parliament that he was prepared to abandon this Act or modify it drastically, provided he found that, during the period between then and the present occasion when the House is being asked to consider the extension of this Act, the country had reacted favourably—if he had done that, then I would ask him to produce full information before the House. He has not produced it yet. What is the principle involved? Dr. Katju is surprised, "What is this opposition for? What has happened?" What has happened is this, that you are adopting a principle of law which is repugnant to any democratic Constitution in any part of the civilized world except at a time of emergency or crisis. There are totalitarian countries where Home Ministers—if they exist there—shake their hands as Dr. Katju is shaking now. They may say that they do not recognise this sort of personal liberty. But ours is a different Constitution. If you say that you do respect individual liberty, that you do not want that the executive should become supreme and take away the liberty of any individual even for a temporary period except in an emergency or crisis, if you stick to that ideal, then you must admit that this Bill is compelletely unjustifiable under the circumstances through which India is passing today.

I have been going through the proceedings of the Indian Legislative Assembly during the days when the Leader of the Opposition in this very House was no other than Pandit Motilal Nehru, when the Swaraj Party was here and the place of Dr. Katju was taken by Sir James Crerar, whose memory must be still fresh in the minds of many Indian. Bills like the present one then came before the House. There was one great Bill, the Public Security Bill. Pandit Thakur Das Bhargava who spoke eloquently in support of the principles of this Bill was a member of the Swaraj Party then and Shri B. Das and Babu Ramnarayan Singh also were Members. I could find only these three Members amongst those present here.

Pandit Thakur Das Bhargava: I belonged to the Nationalist Party.

Dr. S. P. Mookerjee: At least I saw your name. Your party does not matter. You were a Member of the House. The party label was not given in the list of Members. In that House the Public Security Bill was brought. It was a Bill directed only against foreigners, not even against Indians. It affected only foreigners coming into India and suspected of spreading communistic ideologies, and they were to be treated in an arbitrary fashion without any fair trial. They were to be detained. They were to be got rid of the soil of India. It was a memorable House. There sat Pandit Motilal Nehru. There was Lala Lajpat Rai. There was Pandit Madan Mohan Malaviya. There was Srinivasa Iyengar. As I was going through the Debates, Pandit Motilal, I found, raised a point of order that the whole Bill was out of order, as my humble self did this time on another consideration. The reason given was that the Government of the day was not prepared to disclose the evidence which would justify the passing of such a measure. There sat in the Chair the President, Shri Vitthalbhai Patel. After the debate had finished and as the President was about to give his ruling, Bhagat Singh was standing in a corner in the gallery and a bomb fell on the Treasury Benches. It was that historic occasion. The House was adjourned.

An Hon. Member: It was a foreign Government.

Babu Ramnarayan Singh (Hazaribagh West): This Government is worse than the foreign Government.

Dr. S. P. Mookerjee: The next day Vitthalbhai Patel ruled the Bill out of order. He said that if the Government was not prepared to place the evidence before the House, the House was not going to consider that Bill. Sir James

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Crerar, the Home Minister, did not even raise a protest, but within half an hour the then Viceroy and Governor-General, Lord Irwin, came to the House and personally announced that the Bill was being passed into law through the ordinance-making powers of the Governor-General. That is the tradition of the Congress Party. How is it that you are proceeding today? I have got some cuttings and some extracts from Pandit Motilal Nehru's speeches. It is not an abstract philosophy on the principles of Communism, about which my learned friend gave such a good lecture. It dealt with a very pertinent question and the same question is before the House, namely, is it justifiable to have detention without trial? Pandit Motilal Nehru's thesis was that if there was a crisis, if there was an emergency, then of course things should be different, but normally, he said that he "detested" such a provision. What he said sums up the position in a few words. I cannot express the same idea so eloquently in so few words. I wish that Pandit Jawaharlal Nehru was here to listen to what Pandit Motilal Nehru said sitting in this place when a similar Bill was under discussion in 1929. He said :

> "My submission is that the principle of the Bill is a very simple one",

Dr. Katju may listen—

> "and it comes to this. Where the courts will not convict, give us power to punish. That is the principle of the Bill. You may conceive it in any embellishments of style, but that is the thing to which it resolves itself."

And then he proceeds to demolish the arguments which were advanced by my hon. friend Pandit Thakur Das Bhargava who said, "We give you an Advisory Committee. Look at that. What a great act of benevolence it is. We give a copy of the grounds. There sits the Advisory Committee to consider the grounds, and yet you say that we are doing an injustice to that man." This is the reply which Pandit Motilal Nehru gave to Sir James Crerar. There was a provision there also that the detenu's case would be placed before a tribunal of three High Court Judges. There was no question of an Advisory Committee. The grounds had to be communicated to the accused. The judge must have access to other papers also, but only on the basis of the grounds supplied the tribunal would be able to decide what was to be done. He said :

> "This man is to be brought before three experienced judges. I say that if this man were to be brought before three angels, they would not be able to do anything for him. And why? Simply because though the judges are their, they are crippled, they cannot exercise their functions."

Interrupts at this stage my late lamented friend Mr. Kabiruddin Ahmed. Those hon. Members who know him would appreciate the value of such interruptions. Of course, Pandit Motilal Nehru did not seek the protection of the Chair. He was there to reply to every interruption in his inimitable way. Asks Mr. Kabiruddin Ahmed : "Why?" Pandit Motilal Nehru:

> "Because the evidence is one-sided, because they are told not to lay the whole of the evidence or the facts before the accused."

Let the House listen to this—the first Parliament of free India. Appreciate the seriousness of the decision which the House is going to take—not a matter to be laughed at or joked about.

> "What can a judge do in those circumstances", he continues. "How can he possibly expect the case against the accused to be disproved, unless the accused knows what was the case. All that you give to the accused is a general statement. These three learned judges sit there. The counsel of the accused has no access to the documents, the confidential documents, and the accused—what can he do? So, the poison is there to taint the fountain of justice and the man is not made acquainted with the allegations and evidence against him. This is called justice! Can there be anything more barbarous than this?"

I do not know whether Dr. Katju is taking note of the word "barbarous", or he will protest against it.

Dr. Katju : I am just listening.

Dr. S. P. Mookerjee : Pandit Motilal Nehru concludes by saying this. Pandit Bhargava says that brilliant men will be members of the Advisory Committee ; distinguished men will be there. The reply that Pandit Motilal Nehru gave was this :

> "I say, don't please give me these three judges. Give me three men from the street. Produce all your evidence before these three men."

And the Congress Party then cruci...

Babu Ramnarayan Singh: Hear; hear.

Dr. S. P. Mookerjee: "Hear; hear" were loudly uttered by Congressmen then, as my hon. friend Babu Ramnarayan Singh does today:

> "And let me cross-examine him and criticise that evidence. Then you can do what you like with him. There is no use giving three High Court Judges. You might give me three Privy Councillors. With that restriction on their power they cannot help the victim."

That summarises in a nutshell certain fundamental principles from which India cannot depart whether India is under foreign rule or whether India is a free country.

I came across, Sir, another statement of a shorter nature, from a comparatively smaller man, but still very important, and I shall just read out to you a few lines. This gentleman, a distinguished lawyer, wrote a Foreword to a book ten years ago on "Recent Judgments in India," including some very notable judgments delivered. And this is what he says:

> "Detention on mere undisclosed and often on groundless suspicion without charge or trial is opposed to all notions of natural justice and all canons of civilised administration."

That gentleman's name, I find, is Dr. Kailas Nath Katju. I do not know, Sir, whether he holds the same opinion having become the Home Minister of free India; I suppose it is a case of Dr. Jekyll and Mr. Hyde.

Now, Sir, Pandit Motilal Nehru was a man of emotion and when the discussion on that Bill took place, he gave certain names to the Bill. We are not going to the Select Committee, in view of the attitude taken by Government. I shall speak about it later. But I shall suggest some amendment to the title of the Bill, because it comes from no other person than Pandit Motilal Nehru. Dr. Katju may consider it.

> "If a name has to be given by me to this Bill, I am disposed to call it "Slavery of India Bill—No. I", because I expect others to follow, or the "Safety of Bureaucracy Bill", or, if you like "Public Danger Bill."

It is a big choice; let Dr. Katju choose one of these as he likes.

Here is a speech, of course, not delivered in the House, delivered by Pandit Jawaharlal Nehru himself in 1936 about the principle of detention without trial. The House must not misunderstand me. I concede that occasions may arise in the history of a country when detention without trial may be justified. But you cannot just treat it as *sandesh* and *rasgulla* that you make it a normal part of the law of the land and start relishing it. That is the principle on which we are fighting today and if Dr. Katju can show us by facts and figures that a crisis exists—which I am going to refute—which justifies a Bill like this, then it will be a matter for us to discuss. Pandit Jawaharlal Nehru also spoke about the Detention Bill:

> "A Government that has to rely on the Criminal Law Amendment Act and similar laws that suppresses the presses and literature, that bans hundreds of organisations, that keeps persons in prison without trial, is a Government that has ceased to have even a shadow of justification of its existence."

Not mere justification, but a shadow,...shadow all round the House.

Sir, what are the justifications given? When it fell to my lot to oppose the introduction of the Bill, Dr. Katju got up vehemently and said that he was going to give a reply when the time came and he would flood the house with facts. The next day I thought we might have a repetition of the Assam floods on the floor of Parliament. But what floods came? It was a flood of misplaced eloquence; it was a flood of anger, of vituperation, of unworthy invectives, against those who may not have the good fortune to agree with him today. What are the facts given? One is Saurashtra. Look at Saurashtra. Let us look at it. What is happening in Saurashtra? Was not a Preventive Detention Act already in existence in Saurashtra? Was not there a Government functioning? Was there not a Government functioning in Delhi? Why were things allowed to deteriorate to that extent? And who is this Bhupat? Has he risen up from 'Bhu'—suddenly he was born out of earth? Who is he? I hear he was a police officer under the Bombay Government. I hear he and his gang were of great assistance to the Congress in capturing Junagadh a few years ago. He was a loyal citizen helping in a great cause. Now today he has gone astray. Let us get hold of him. The other day one hon. Member said he was being helped by police officers; we are told he was helped by one section of the Ministry. We are told that there was a lot of conspiracy, party split, etc., in the tiny

[Dr. S. P. Mookerjee]

little State. It requires a different treatment, perhaps of a more drastic nature than the Preventive Detention Act. Why did you allow things to deteriorate to that extent? How could Bhupat run away to Pakistan? Where was the police? These are inconvenient questions.

So far as Saurashtra is concerned I can assure Government that if really the situation is so bad in that part of India, let Government come out with full facts and figures and ask for special powers and there will be none in this House who will oppose the granting of such special powers. If law and order cannot be restored in one particular part of India for certain extraordinary circumstances, do not play with this Preventive Detention Act alone, for it is a negative measure and only irritates the People. Here you can put anybody whom you do not like behind prison bars.

What was the other case? Hyderabad is of course there. There we are having conflicting reports. At any rate, nothing has happened there since the 1st of March, 1952. You cannot go on referring to what happened in Hyderabad two years ago and make that a justification for the continuance of the Preventive Detention Act now. If you feel that things are still wrong in Hyderabad and if you feel that there are charges against an organized party, the Communist Party of India, have an enquiry. Why allow them to come here? If any of them are implicated, get hold of them. But do not do it in accordance with the Star Chamber procedure. Do it openly. If you want, have a secret trial, a trial *in camera*. But place everything and let the truth come out.

What other case was referred to? Calcutta, Calcutta! What has Calcutta got to do with the Preventive Detention Act? It is no use Dr. Katju drawing from his exxperience as Governor of West Bengal when things were bad two years ago. He himself admits that normal conditions have been restored. Now, what happened in Calcutta? Today the Food Minister made a statement. It is a most unfortunate situation in that unfortunate city. There was a food crisis there. Famine has come into existence in some parts of the province. It is admitted. The Food Minister goes there and propounds a scheme. I also met him and we assured him—all parties—that we would stand by the Government in eradicating famine and solving this food problem if a really generous policy is put into operation. All parties came forward. But confusion has started as regards the implementation of that policy. The House must appreciate what the point is. Today the whole province is broken into so many units and fragments and you have drawn lines, cordons. Those hon. Members who come from areas where cordons exist—not cordons between one district and another, between one sub-division and another, but cordons even inside a sub-division—know what the results are: suffering, corruption, misery. And the scheme of Mr. Kidwai envisaged that those cordons should disappear. So the people clamoured: give effect to it now, let us get some advantage out of it now. There is some confusion as to whether the necessary stocks will be available.

Now, a demonstration was there. If lawlessness is there, lawlessness has to be checked. But how did the situation develop? There is no question of Preventive Detention Act here. They came out. Suddenly section 144 was widened and they attempted to break the cordon, they attempted to hold meetings. I have just got a paper cutting here which will tell you that we are following exactly the same method as our previous Government used to follow in such cases. This is a report which was published in the "Amrita Bazar Patrika" which, as is known, is not unfriendly to the Congress, or, if I may put it positively, is quite friendly to the Congress. If I may read a few lines, it just describes how the police creates a situation whereby there is loss of life, breaking of heads and a great deterioration of the situation. This is written by a staff reporter who was present on the spot. You know the Ochterlony monument. The police came and surrounded that place. There was just a handful of young boys and some girls who were sitting under the monument at 4-30 p.m. The police allowed the meeting to be held and there was no obstruction. Crowds collected and were standing further away from the place. And in between the two, the mighty police force of West Bengal were standing.

> "The progress of the meeting was uninterrupted and was not interfered with by the police, standing close by. The only movement effected thus far was in respect of a batch of the mounted policemen, who shifted from the west to the south-eastern direction of the monument. There was an immediate reaction to this movement and the small crowd of listeners who had gathered at the rally thinned away.

At 5 o'clock the order was given by a sperior Police Officer to break the meeting and arrest the defiers of the law. The mounted policemen quickly encircled the base and completely isolated the group of youngmen and boys from the vast crowd of sightseers. *Lathi* charge then followed on the unarmed and unresisting breakers of the law, wih scanty consideration if the situation merited it at all. A few who did not apprehend the development beforehand were evidently frightened, but that did not in any way mitigate either the humiliations or sufferings they were put to. The prison van was quickly filled in by the arrested.

The reaction to this sickening scene on the crowd in the outlying areas was quick."

Mark it, Sir. The report is that they started throwing stones and brickbats which took the situation beyond control. Who led the situation beyond control? The police and not the unlawful assembly of just a handful of young boys. They might have been arrested and taken to the police station.

"Stone chips and bricks began to be rained vigorously against the policemen, who could however utilise the mighty column of the Monument as a screen to shield themselves against these missiles. The newspaper reporters, however, were less fortunate and though they were not interfered in their work by the authorities they occupied a point which was open and afforded no protection against flying missiles. One of them was hit by a stray chip right in the centre of his forehead rather seriously."

And the other column contains the official statement issued by the West Bengal Government. About this *lathi* charge, those hon. Members who have seen the Bengal papers would have seen those pictures of how the bodies were all scattered in the streets and how they were dealt with by the police and how law and order were being maintained. The Government statement said that whatever the police did had to be done because stones and brickbats and other things were being thrown at the police and therefore the police had to take action. The same white-washing as before!

You talk of Calcutta. Are you going to solve the problem by the Preventive Detention Act? The real problem has to be tackled. There may be some mischief-makers. I do not say there are not. There may be, there will be everywhere. You can control them. Is it possible anywhere, in any part of the world, that suddenly housands of men will start running and organize a demonstration unless there is something burning in their hearts, unless there is some affinity, some feeling of sympathy which makes them go and join with those organizers of demonstrations? Do not behave like Hallet and Maxwell. Look deep into the matter and by all means preserve law and order. I do not say that the country should be handed over to *goonda* elements. Not at all. But at the same time, proceed symptomatically. Find out what is the real cause for these disturbances. Otherwise you yourselves will be handing over the country to those who want to create chaos. Why is it that no Bengal Minister, no Congress leader in Calcutta has come out in the open streets? Where are those people gone? why do they not appeal to the people, ask them to listen to them? The city nay many places outside the city, are handed over to the police—simple police, complex police, armed police, this police and that police have all come out and surrounded the different parts of the city. Are you going to have a police *raj*? That was another example which was trotted out by the Home Minister.

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Why not find any other example? Another argument he gave which was an argument against his own thesis. Dr. Katju said: "I am not applying this against any party as such. No. Not the Communist Party, not the Hindu Mahasabha, not the Jan Sangh Party, not the Socialist party, not any party as such but only dangerous individuals." I could have understood if you had said that your attack is against a party, that this is a party which has a subversive programme, that Government is convinced of it and you want to crush it. The other day the Home Minister said: What a miracle it is that all communists, communalists, industrialists, ex-rulers, independents all have combined? If you like to call it so it is a miracle. We do differ from the Communist Party. I have come here fighting against the Congress and the Communist Parties. I was slandered and I was attacked. Many of my friends here went and spoke in my constituency against me. I know where I differ from them. They know it also. Yet there may be, will be matters of common interest. Similarly there are many others in the Opposition with whom we do not agree on all points, but we have set up a standard in this House. I shall claim we are 126

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Members of the Opposition; we may be groups of three or four or five or different parties with different ideologies but we have not allowed ourselves to be made a play-thing at the hands of the Government benches; we are trying to form a consolidated Opposition on matters where we are agreed. The Communist Party supported the Government on the Kashmir issue and they are keeping company with Dr. Katju. I do not support the policy on Kashmir. My hon friend, Mr. Nambiar went to Agra and made a terrific speech in support of Pandit Jawaharlal Nehru so far as Kashmir is concerned. That is all right. We agree to differ, but yet, we can agree on certain fundamental issues, this is one such fundamental issue, and we are able to combine together. I thought the hon. Home Minister would congratulate the Opposition that the small groups have combined into one bigger group for certain purposes. You laugh at us. I hold no brief for the Communist Party. If there is any evidence against the Communist Party, come out with it. You flirt with them whenever it suits you. You attack them whenever such an attack is necessary. That game will not do. You are being unjust to the people of India. If you feel that it is a party which has sold itself to foreign countries, if you feel that it is a party that is receiving funds from foreign countries, if you feel that it is a party which is playing a double game here as some hon. Members said this morning that outside it is UG and here it is OG, if you feel like that, I say it is the duty of Dr. Katju, the Home Minister to bring forward a charge to their very face and prove it. If it is found that this is true, we would support the Government. We do not want any party to raise its head which owes its loyalty to any foreign country. We may differ on any matter and that is fundamental (*Interruption*). We are not aware to the extent that the hon. interruptor is aware because he belongs to the ruling Party and I do not like this sort of attitude. The Communist Party is functioning. None of them has come here by the grace of the divine Home Minister of India or the divine Prime Minister of India. They have fought with us and they have come with the mandate of the people. Forget not one thing. Wherever you have carried on your repression, be it Hyderabad or be it West Bengal it is there that the verdict of the people has gone against the Government and against the Congress. The people have given their verdict against the Congress. It is no use being satisfied with their solid strength inside the Parliament at Delhi. Hear the rumblings outside. The people do not want to support the Congress. They supported people like Tushar Chatterjee. He was released seven days before the voting took place and he floored the Congress candidate with a majority of thousands of votes. These are the miracles which the Home Minister should think about in his heart of hearts. What is the use of saying that there is a miracle because we have combined here? What is a communalist? If it is to love one's country, to love one's community and not to think ill of another community, if we feel with and attempt to unite 30 crores of Hindus living in India, India that has been liberated after 1,000 years, if we try to recover our lost position in a manner which is 100 per cent. consistent with the dynamic principles of Hinduism for which Swami Vivekananda stood, I am proud to be a communalist. If you say I am a communalist who thinks ill of any community, I have no place to live in India as a Hindu. You have been entirely mistaken. The Congress surrendered itself during the last thirty-five years at the feet of the communal leaders. Did you fight against the Communal Award? Who gave the communal percentage for the purpose of having some pact with the Muslim League? Who agreed to partition the country against the advice of Mahatma Gandhi? You might have done it with the best of intentions, because you thought that you could thereby get rid of the British Government but having sold the country at the altar of communalism, to come forward and say that we are communalists is a perversion of truth. What are these gentlemen the many thousands and lakhs who are outside? The white cap covers a lot of good things and a lot of bad things. You can find among them people who stand for castism. (*Interruption*). Is it not a fact that there are people who have stood on a caste basis? Is it not a fact that there are amongst the Congressmen many who are also soaked in communalism of the worst type? Is it not a fact that there are many amongst them who were great communal leaders in the days when the Muslim League was in power, whose hands were literally soaked with blood, about whom there were cases in the courts of law and today they are putting on white caps and they have become *sadhus* real *tapasis* or great souls. We who have spoken out one kind of truth, we become communalists. We are not going to tolerate these remarks any more. We would ask those who

make these remarks to examine our political or other views and say we are wrong in this or that. Defeat us in arguments, but if you want us to be defeated by abuse, to that extent we are not non-violent but we will give you back in the proper coin.

Sir, I hold no brief for the ex-rulers but it is surprising that Dr. Katju had a fling at them. Is it not good that they have become democrate? Is it not good that they have come down from their ivory tower? They have come to this House as elected representatives as Dr. Katju has been. They have not come as nominated Members. If these communalists, communists, industrialists, ex-rulers go and join the Congress ranks, they become great patriots, but if they have the courage of conviction and independence to say that they will remain in the opposition they become communalists and undesirables and for them the Preventive Detention Act has to be put on the Statute Book. Why is it that we are opposing this measure? I have given the reasons and the further reason is that you have grossly abused the powers that you have in your hands and for that reason you cannot legitimately demand that you should further be trusted. Case after case has been placed before this House.

Reference was made to the inter-communal marriage in Delhi. One gracious lady Member spoke out of her heart this morning. It is certainly open to any adult in India to marry any other adult under law. My personal opinion is that it is a private affair and no one should interfere with it. But this was not such an easy matter. If it was a private matter, who gave it this wide publicity? You, Sir, know the Secretary of the Constitution Club well. I had requested him to tell me whether the Constitution Club knew that this marriage was going to be solemnized there and he told me that they never knew that the Constitution Club was being hired for celebrating the inter-communal marriage. Who issued those 600 invitations? The bridegroom was one who was drawing a salary of Rs. 100 or Rs. 150. Who were these great leaders, marriage-minded leaders, inter-communally marriage-minded leaders who were behind the scenes? Where did they get this money from for getting the invitations issued? Was it something that had to be trumpeted and who was this bridegroom? I am told that he was a Muslim Leaguer till 1947, a communalist to the core, a Secretary in charge of the Muslim National guard—a *Salar*. After the partition he puts on a white cap and he gets a job and he gets the status of a Congress man and the more the merrier he is, because he marries a Hindu wife. This is the great transformation of communalism into secularism in this great secular State of India.

Who supported it? That is the point. The Preventive Detention law should have been applied against persons who were meddling with the affairs of private people and trying to foment this marriage leading to chaos. That good lady wept that women today are not being properly looked after, that they are not being protected, that they do not get the respect that they deserve. How can a lady who goes about and interests herself in a marriage when she knew that the father of the girl was against the marriage, expect any respect from any quarter? That father came to me. I cannot forget his face. He wept. He was there in Lahore; he had a house in Lahore. He had left everything there in 1947. His words which are ringing in my ears are these: "If I wanted to hand over my girls and sisters to pakistanis, I would not have come away from Lahore; I came here to seek shelter. Even without my knowing, these Congress Leaders have gone about privately and are celebrating my daughter's marriage." I am not blaming the Congress; take it from me. Because, I know, I have had talks with many important Congress leaders belonging to Delhi and outside and they were as much ashamed as myself; they were as sorry as myself that this small private affair was suddenly given this wide publicity and it turned out to be something of paramount public importance in this great city of Delhi.

Then comes the Preventive Detention Act. Orders were issued against some individuals, one of whom was a Member of Parliament. The proceedings of the Privileges Committee have come to the House. I do not think that we will have a chance to discuss them this session. What is the strange fact that occurred with regard to Mr. Deshpande. The event took place here on the 25th, between the 21st and the 25th. That colleague of ours went to Gwalior on the 20th and did not return to Delhi till the morning of the 26th. He was not here at all on the days of occurrence and when the disturbance took place. He did attend the meeting on 26th evening. But, what is the charge-sheet which was handed over to him, under the Preventive Detention Act, by the District Magistrate of Delhi, who incidentally was the Registrar of Marriages also,—the Registrar of Marriages, who was very much annoyed when the order of the Sub-Judge was going to be served on him, the order by which

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he was restrained from performing his delicious function as the Registrar of Marriages on this occasion. Sir, I am disclosing no secret, because we have said that in our Minute of Dissent in the Privileges Committee report that the statement made by hte District Magistrate before the Privileges Committee was to the effect that Mr. Deshpande was organising the whole thing from Gwalior. We were most amzed at that statement. We thought it might have been a mistake. But, he persisted in the statement and said that he had everything to do with the occurrence in Delhi and he was doing it from Gwalior. I ask the Home Minister whether he will enquire into the matter. That has relation to the Bill that we are considering. Such cases will never go to the Advisory Committee. What is the lacuna in the Bill? For six weeks, anybody in any part of the country can be spirited away under the orders of the District Magistrate, without anything being done on his account. Without any restriction that arbitrary power has been handed over to the Executive. It is proposed that we should continue it in times of peace. I have requested the Home Minister that we should have some answers; there must be some evidence to show that a Member of Parliament, who was being arrested under the Preventive Detention Act, was organising such demonstration in Delhi from the interior of Gwalior constituencies where he was fighting in favour of Dr. Khare, who was a candidate for election. Not he alone. I do not wish to take the time of the House.

Mr. Deput-Speaker: Would the order not be confirmed within 15 days, under this Bill?

Dr. S. P. Mookerjee: He has been released.

Mr. Deputy-Speaker: Any preventive detention order passed by a magistrate will have to be reported either to the State Government or the Central Government within 15 days.

Dr. S. P. Mookerjee: Quite true; but he has been released after six days.

Mr. Deputy-Speaker: It is not for one and a half months.

Dr. S. P. Mookerjee: Even for 15 days, he can be spirited away; he can be taken away without his case being placed before anybody.

Mr. Mauli Chandra Sharma, and Mr. Joshi, advocate of Delhi and others were detained, one after another. Grounds of detention have been mentioned which are utterly false. What is the protection of the citizens against such false grounds. They cannot go to the Home Minister. The law does not give them any protection. In fact, I was amazed to find that as many as five gentlemen were charged with having presided over the same meeting, on the same day, at the same hour at the same place. Were there five charis, one on top of another? Was it a ladder, one Chairman sitting above another? What is it? They did not even care to know. There is a charge that in 1947 some gentleman had broken the ban on the Hindu Mahasabha session at Bhagalpur. That session was held in 1941, not 1947. I, as a Minister of the Government of Bengal, had the proud privilege of being arrested as a dangerous man under the Preventive Detention Act and kept surrounded by about two dozen armed policemen at Colgong in Bihar. That it distorted and mentioned as a reason for detention in June, 1952 in the city of Delhi.

I gave notice to the hon. Home Minister, according to your instructions, of another case which has recently taken place in Ajmer. If this sort of incidents happen, even if one happens it puts the Government at once into discredit. This gentleman is one Mr Kaka Trilokchand, a Sindhi gentleman, who has been a member of the Provincial Congress Committee, a member of the All India Congress Committee and what not, till 1947 in Sind. Since they have all come away, they have settled in Ajmer. I have got here a copy of the detention order and a copy of the petition submitted by this gentleman before the District Magistrate of Ajmer,—the facts are these. Dr. Katju says, I have nothing to do with 48, 47, 1950. He said on 18th July: "Give me *taja* things, absolutely crisp; I do not want old thing". Here is a crisp case; the man is still in Jail. Kumari Bhagavanti Devi, aged 16, a Sindhi refugee girl, came from Kalyan camp to Ajmer, accompanied by a certain Shafi Mohammed, who was aged about 55 or so. This girl was found to file an affidavit saying that she had adopted Shafi Mohammed as her father and that he treats her as his daughter. There were pleaders present. They were surprised—who this gentleman was and who this girl was. Suddenly a Hindu girl comes and says that she has adopted this gentleman as her father. Why? Some enquiry was started. They went to the District Magistrate and to the police officer and said that this matter was to be looked

into. Nothing was done for three days. Then, on the 3rd, a public meeting was called and there was great feeling in the city of Ajmer. The public meeting was banned by the orders of the District Magistrate. There was no violation of the order. The organisers respected the ban and did not hold the meeting. At night, Kaka Trilokchand and another prominent gentleman, Pandit Jialalji were put under arrest under the Preventive Detention Act for internal security.

Shri Jwala Prashad (Ajmer North): No, it is wrong. Jialalji was not arrested.

Dr. S. P. Mookerjee: Very well. I beg your pardon. It was Mr. Bachan who was arrested. I give you another name Mr. Trilokchand and Mr. Bachan were arrested. Apparently that gentleman knows something about it. Pandit Jialalji went to the District Magistrate. That is not the important point. Then there was great commotion in the City with the result that the next day these gentlemen were released. Something happened. Later on, enquiries were made and it was found that against this alleged adopted father there was a warrant for the innocent offence of kidnapping or abducting, and this gentleman had escaped, and so the warrant had been issued. And so this girl, as soon as she went back, the Police got hold of the girl, and the alleged adopted father escaped. On 3rd July, 1952, Kaka Trilokchand was again arrested under the Preventive Detention Act, and I have got here a copy of the order. Four reasons are given for his detention according to our provision, and the first two grounds are in connection with Kumari Bagwanti—the same grounds are repeated after one month—and the third ground is that "On 10-6-52 you were heard making communal propaganda in connection with the murder of a Sindhi boy whose dead body was recovered at... Ajmer, on 2-6-52." Apparently a Hindu boy was found murdered in a Muslim locality, and there was some feeling in the City. The Police enquiry is going on. Nothing has been found out so far.

Then, "As Editor, you wrote an article in the paper under the caption 'Challenge to those who keep an eye on Sindi girls'. This article is calculated to incite Hindus against Muslims, and in furtherence of your aim to create trouble, you delivered a speech at a public meeting on 16-6-52."

And he was arrested on 7-7-52, i.e., three weeks after he had addressed the meeting.

And then, the next is— apparently many girls are kidnapped—in the secular State, communal parity must be maintained—on 25-6-52, a Sindhi girl was illegally kept by a Marwari gentleman. Ground No. 4 is: "You raised this alarm, and there was some disturbance on that ground".

Now, an appeal has been issued. I have got a copy here, Sir. A public appeal has been issued about this arrest which is signed amongst others,—communalists, industrialists there may be; I do not know whether there are Communists. I have not counted them—there are some Congressmen who have signed this appeal and protested against the arrest in very strong terms. The gentlemen who have signed are: Ch. Shivnarain Singh, Secretary of the Congress Party in the Assembly. Chagganlal, Chief Whip of the Congress Party. S. S. Deedwania, Advocate, leader of the Congress Party and Member of the Provincial Congress Committee and a host of other people, 17 or 18 people who have protested against this. And the most alarming thing is in the reply which this gentleman has filed before the Magistrate, he has brought forward this allegation that he had been against the Home Minister and the Home Minister had been doing things which were against the interests of the State, and it was because of his personal enmity that this arrest had been effected. Pandit Thakur Das Bhargava said the Advisory Committees are never changed. In this case at least the constitutional Advisory Committee has been changed after this man was arrested, and the case is now pending. I will not go into the details of other cases. But such cases have been brought to the notice of the Home Minister. It is clear that the Act is not operating even for the avowed purposes which have been claimed to be purposes by the Home Minister.

I have spoken for nearly 50 minutes, and I do not wish to speak long.

Mr. Deputy-Speaker: The House will rise at 6-30.

Dr. S. P. Mookerjee: Not at 8?

The only thing which I wish to say at the end is this, about going to the Select Committee. We from this side, from the Opposition, all unitedly made a request that we should be given a chance to consider the entire Act. We do not think the Act is necessary, but if you feel the Act is essential, then these weaknesses which have been discovered, the abuses that we have seen, must be rectified, and if you want to

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keep people under detention for a short while, precautions must be taken so that there will not be any chance of putting innocent men in jail without trial. We, therefore, wanted, in accordance with the assurance given by the Home Minister, that the entire Act should be allowed to be considered by the House. Sir, that assurance was given by the Home Minister himself last time. I rose on a point of order, and the Speaker has ruled that it is open to the House to do so. He says under the rules he cannot do it, but if the House feels that the entire Act should be examined by the Select Committee, there should be no objection. I would make this public appeal to the Home Minister, and especially to the Prime Minister, not to shut out discussion of all the provisions of the entire Act. For the first time this very important and controversial measure has come before the elected Parliament of India. Do not take shelter under the plea that it is an amending Bill and you could only touch the clauses that have been incorporated in the Bill. That will be an unworthy act of any Government who feel strong enough that it has the facts and figures to justify the passing of such a measure. If, however, Sir, in the wisdom of the Prime Minister it is decided that this privilege should not be given because we are only amending, we cannot force our decisions on the House. We can only appeal to the House and say that we should proceed cautiously. We think that we can make a contribution in the consideration of this matter. If, on the other hand, that decision is taken, then, we from the Opposition will not serve on the Select Committee. Let the Select Committee be appointed with Congress Members; then, when the Bill comes, it will take its normal course. But, Sir, with the present policy of drift that is continuing, Preventive Detention laws will not save it. We must be able to put our heads together to think of some other measure. Here, for the first time, an opportunity presents itself which is before the Prime Minister. You have the entire country in this House. Almost every political party in this country has come to this House with its accredited representative elected through adult franchise. If there is any charge against any party that it is going astray or doing anything against the national interest, there is the Prime Minister to make the charge, and we will be prepared to question it and to reply to it. In the difficult times through which we are passing, with the food crisis, the economic troubles, the international situation developing like this and also the East Pakistan situation developing in its own way, should create a better atmosphere in this country if a really parliamentary Government can be carried on, not a Government of the majority by its brute force, but a Government where the majority and the minority should be able to co-operate with each other. We have offered the hands of co-operation to the Prime Minister times without number. We may not agree with everything that is done. That freedom must be given to us to oppose where we feel such opposition should be made, but, if, blinded by the knowledge that power is in your own hand, that you can do whatever you like—the order has to come from that quarter, and the House will say "yes". We have seen the wonderful spectacle the other day on the motion for introduction of the Constitution (Amendment) Bill, how Members shouted naturally from their innermost heart, and how immediately the great man said he assented, and it was perfect, all assented. It was discipline, Sir, I shall not say dictatorship. I shall call it discipline. That is the sort of discipline which should be maintained by any political party worth its name. But, if he wants that in this crisis, we should hammer out our differences round the table, that offer is before the Prime Minister. He can reject it on an issue such as the Preventive Detention Bill on which some of us, many of us, all of us feel so strongly, and go his own way. For the consequences, he and his Government and his party will be responsible, not we.

Mr. Deputy-Speaker: I will call the hon. Home Minister to reply.

Shri Sarangadhar Das: I have the right to speak on such an important measure like this. The hon. the Speaker also has promised to give an opportunity to me.

Mr. Deputy-Speaker: I was present here when the hon. Member and also another member belonging to his party came to the Speaker. He was prepared to allow both the hon. Members to speak. I insisted therefore upon the other hon. Member belonging to his party finishing his speech early enough to allow the hon. Member also sufficient time to talk. But that hon. Member has taken a lot of time, nearly 50 minutes, and then started going into the provisions of the Bill *(Interruption)*. Order, order. The hon. Member must hear what I say. I even appealed to the other hon. Member who is the leader of his party at present to

ask him to conclude his speech. But he had no control over his followers or I do not know perhaps he did not like him to sit down.

I cannot prolong the debate simply because one hon. Member wants to speak. Even if it were that the House were to to sit up to 8 p.m., by this time I would have called upon the hon. the Minister to speak, as he must have the necessary time to reply to the various criticisms that have been made on this side. The time that will be taken between now and 8 p.m., would have been available only to the hon. the Home Minister and not the other Members. I shall therefore be calling upon the hon. the Home Minister to reply.

Shri Nand Lal Sharma (Sikar): What about independents?

Mr. Deputy-Speaker: There are independents, but they will have other chances.

The hon. the Minister will reply tomorrow and I shall adjourn the House now till 8-15 A.M., tomorrow.

The House then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 23rd July, 1952.